

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
) Cause No.
 vs.) 3:23-cr-30076-SPM-1
) East St. Louis, IL
NIRAV B. PATEL,) February 5, 2025
) 9:11 a.m.
 Defendant.)

Before the
HONORABLE JUDGE STEPHEN P. MCGYLNN

**TRANSCRIPT OF JURY TRIAL
VOLUME 3**

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(Proceedings taken by machine shorthand; transcript
produced by computer-aided transcription)

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WAID - CONTINUED CROSS/FRETER

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1 (In open court.)

2 (Jury present at 9:11 a.m.)

3 THE COURT: Government, call your next
4 witness.

5 MR. REED: Judge, I believe we're in the
6 cross-examination of --

7 THE COURT: Oh, that's right. I hope they
8 put you up somewhere fancy last night.

9 THE WITNESS: It was nice. Do I need to
10 get sworn again?

11 THE COURT: No, you're still under oath.

12 **MATTHEW WAID, GOVERNMENT'S WITNESS,**

13 **PREVIOUSLY SWORN,**

14 **CONTINUED CROSS-EXAMINATION**

15 BY MS. FRETER:

16 Q. So I'm going to go to Exhibit 49, which is the
17 Government's exhibit that's already been admitted.

18 MS. FRETER: And if we can show from this
19 computer to everybody.

20 BY MS. FRETER:

21 Q. Can you see it, Mr. Waid?

22 A. No, I can't see anything yet.

23 MS. FRETER: My computer. Sorry.

24 COURTROOM DEPUTY: Okay.

25 (Off the record.)

WAID - CONTINUED CROSS/FRETER

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1 BY MS. FRETER:

2 Q. Can you see it now?

3 A. Yes, I have it.

4 Q. And so this is Government's Exhibit 49. You
5 looked at this yesterday, right?

6 A. Yes.

7 Q. And remind us what this is.

8 A. The video from the patrol squad I was driving
9 that day.

10 Q. Okay. So it's commonly called like a dash cam
11 video?

12 A. Sure, uh-huh.

13 Q. And did you have on a body camera or body
14 mic?

15 A. So the Merrill Police Department did not have
16 body cameras, but we did have microphones that
17 synced with the cameras, but I was not wearing that
18 microphone that day to my knowledge.

19 Q. Or a body cam?

20 A. Correct, we didn't have them.

21 Q. You didn't have them.

22 And so, to sort of set the scene again,
23 you had been told that there was an investigation
24 or a sting that was going to happen relative to
25 some fraud; is that right?

WAID - CONTINUED CROSS/FRETER

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1 A. Very basically, that's accurate, yeah.

2 Q. And that you were going to provide support --
3 that your role in the operation was to provide
4 support to stop a car if it had stopped near the
5 Ms. Endres' house; is that right?

6 A. Yes.

7 Q. And your understanding from the operation is
8 that different officers would be doing other tasks
9 and different things within the operation?

10 A. Yes.

11 Q. And one of those officers was going to be with
12 Ms. Endres at her house?

13 A. Yes.

14 Q. Okay. And it was your understanding that
15 Ms. Endres was going to be in the house with the
16 agent in case the person showed up there?

17 A. I don't remember if she was there or if she was
18 with Lieutenant Seubert at a different location.

19 Q. And that wasn't part of your investigation?

20 A. Say that --

21 Q. That wasn't part of your role? That was
22 somebody else's part? Where Ms. Endres was, that
23 wasn't your job?

24 A. Correct.

25 Q. Your job was to stop the car?

WAID - CONTINUED CROSS/FRETER

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1 A. Correct.

2 Q. And when you're on this street, do you travel
3 for a little ways before you hit the dash cam?

4 A. So I don't turn the dash cam on. What happens
5 is when you turn the lights on, the dash camera
6 starts, and I believe it actually also -- well,
7 yes, according to this, the video actually starts a
8 little bit before the lights go on to give you that
9 little extra video.

10 Q. And so from what I have on Government's Exhibit
11 49, it's at -- now it's at 000, right?

12 A. Where are you looking at?

13 Q. At the time reader part on, like, the bottom
14 left above --

15 A. Oh, of this video, sure.

16 Q. Of this view, right?

17 A. Yes.

18 Q. So the date up at the top is December 2nd of
19 '22?

20 A. Yes.

21 Q. And it's 15:37:33 seconds; is that right?

22 A. Yes.

23 Q. So that 3:37ish; is that right?

24 A. Yes.

25 Q. And so are the lights on your vehicle at this

WAID - CONTINUED CROSS/FRETER

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1 point, or is this where it starts recording before
2 they turn them on?

3 A. This is where it starts recording before they
4 turn it on. If you look at the bottom section -- I
5 guess, I don't know if you want me to get into
6 that, but I was just going to explain --

7 Q. Sure.

8 A. Okay. If you look at the bottom section under
9 "trigger," you will see wireless mic is number 1,
10 emergency lights rear is number 2, emergency lights
11 front is number 3, and then there's -- like if
12 you're hitting the brakes, wireless mic active,
13 wireless mic mute. Those last two might be the
14 lapel mic. It might be the microphone within the
15 squad. I'm not sure what those mean, but long
16 story short, when you see number 2 and 3 change
17 colors, that's when the lights were active.

18 Q. Okay. And so can you see on your screen -- you
19 can see my cursor circling, sort of, this "trigger"
20 word?

21 A. Say that again.

22 Q. When you look at your screen --

23 A. Yes.

24 Q. -- you can see my cursor circling "trigger,"
25 right?

WAID - CONTINUED CROSS/FRETER

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1 A. Yes.

2 Q. And you're talking about the little boxes that
3 are underneath that, right?

4 A. Yes.

5 Q. And the media player sort of covers that up a
6 little bit, but we can see what you're talking
7 about here where my cursor is, it says, "wireless
8 mic," correct?

9 A. Yes.

10 Q. And this number 2, "EL rear" is in a
11 highlighted type blue color; is that right?

12 A. Yeah.

13 Q. And that means that the EL rear, and that's the
14 emergency lights rear, that means that they're
15 on?

16 A. No, not right now.

17 Q. Okay.

18 A. You'd have to play the video for the -- you'll
19 see them -- those boxes change colors as you play
20 the video; and that's -- when they change colors is
21 when they were activated.

22 Q. So we're looking for the changing colors
23 between number 2, emergency lights rear, and number
24 3, emergency lights front --

25 A. Correct.

WAID - CONTINUED CROSS/FRETER

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1 Q. -- right?

2 I'm going to press play, and so I'm going
3 to pause right here. This -- we can see here where
4 my cursor is, there's a car up there, and is that
5 the car that you ultimately stop that has Mr. Patel
6 in it?

7 A. Yes.

8 Q. And are the hazard lights flashing?

9 A. On his vehicle?

10 Q. Yes.

11 A. Yes.

12 Q. And you can see that both from the dash cam and
13 from when you're sitting in the car; is that right?

14 A. Yes.

15 Q. And were you alerted by somebody else in the
16 investigation, Hey, we think the car is at
17 Ms. Endres' house?

18 A. I was alerted, I believe, by Detective Cimino
19 that the vehicle was parked out front.

20 Q. And where is that detective located at?

21 A. At Ms. Endres' house.

22 Q. Okay. That's the detective that's inside?

23 A. Yes.

24 Q. Okay. Got it. And so that detective calls you
25 or calls somebody else on the radio? Do you

WAID - CONTINUED CROSS/FRETER

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1 remember how that worked?

2 A. I don't remember how the communication
3 happened, but I just remember being told the person
4 was there.

5 Q. Okay. They said the car is here?

6 A. Yes.

7 Q. And so you left from wherever your location was
8 to go intercept the car?

9 A. Yes.

10 Q. And that's what we're watching?

11 A. Yes.

12 (The video was played at this time.)

13 BY MS. FRETER:

14 Q. And so is that little -- now that it's
15 highlighted, that number 2 EL rear --

16 A. Yes.

17 Q. -- that means that the emergency lights have
18 come on?

19 A. Yes.

20 Q. And when I say, "emergency lights," those are
21 what we think of red and blue flashing lights?

22 A. Yes.

23 Q. Okay. And so I'm going to pause it.

24 The hazard lights for this car are still
25 on; is that right?

WAID - CONTINUED CROSS/FRETER

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1 A. Sorry. I wasn't looking, but I believe they
2 are. I believe they don't stop for a little bit.

3 Q. Can you tell us, is this -- where my cursor is,
4 is this white house -- is this Ms. Endres' house?

5 A. No. It was across the street on the right
6 side. I don't know if you are willing to back up
7 the video just a little bit. I can show you what,
8 I believe, is her house on the corner.

9 Q. And so when you say "corner," what do you mean
10 by that?

11 A. It's hard to describe verbally. I guess, if
12 you were willing to play the video, I can kind of
13 stop you and tell you which one I'm looking at.

14 Q. Okay. I'm going to pause -- not yet, right?

15 A. Not yet.

16 Q. Okay. Not yet?

17 A. Nope.

18 Okay. Stop there.

19 Q. Sorry.

20 A. I believe it was the house right on the right
21 side of the screen kind of where that railroad sign
22 is, like, on the corner.

23 Q. So where my cursor is, is it over -- oh, no,
24 that's too far, right?

25 A. Yeah, that's too far.

WAID - CONTINUED CROSS/FRETER

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1 Okay. Stop there. I believe it's this
2 house with the white fence.

3 Q. This house where I'm sort of circling at with
4 the picket fence?

5 A. Yes.

6 Q. And your lights are on, and then this street
7 here, this is -- this is a -- we saw it on a
8 video -- it's like a cross street, right?

9 A. Yes.

10 Q. And there's this crosswalk that's marked right
11 here; is that right?

12 A. Yes.

13 Q. And how far would you estimate between the back
14 of this car and this curb here? Is it a full one
15 of your car lengths? Like if you'd pulled up right
16 behind this car, would your car have been in the
17 crosswalk?

18 A. Yes.

19 Q. And then I'm going to switch a little bit, but
20 you talked about -- you testified when you were
21 looking at the phone information that -- and you
22 went through with the Government at around 3:30 to
23 3:37 to 3:40ish, there were both phone calls and
24 text messages going to or happening on Mr. Patel's
25 phone; is that right?

WAID - CONTINUED CROSS/FRETER

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1 A. Yes, around this time, yes.

2 Q. So based on the time stamps on the phone and
3 the time stamps on the dash cam, it's fair to say
4 that the phone inside the car at this point is
5 having both text and audio communication with the
6 outside; is that right?

7 A. Can you say that again?

8 Q. The phone is -- there's texts going into the
9 phone and there's phone calls happening with the
10 phone at this 15:37 mark? Like while we're looking
11 at this, somebody is using the phone?

12 A. If I recall correctly, we believed it was
13 likely that Mr. Patel was on the phone with another
14 person at the time I stopped the vehicle.

15 Q. And there's also text messages coming through
16 WhatsApp at this time?

17 A. Yes, I just don't exactly remember the times
18 offhand, but around this time frame.

19 Q. And so you pull up behind the car, and were you
20 stopped at -- right here you're -- part of your car
21 is in the crosswalk; is that right?

22 A. Yes.

23 Q. Okay. And we're looking at it. What color
24 would you say that car is?

25 A. It's hard to tell in the video; but if I

WAID - CONTINUED CROSS/FRETER

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1 remember right, it was like a dark brown color.

2 Q. And dark brown like this table?

3 A. Darker than that. It's -- yeah, it's difficult
4 to see in the video.

5 Q. And so then the car, sort of, pulls up and then
6 it goes, sort of, back into the curb; is that
7 right? Like it kind of pulls out and then it goes
8 back in?

9 A. Yes.

10 Q. And then at this same time, there is another
11 officer coming from the other direction; is that
12 right?

13 A. Yes.

14 Q. And we see that on the video.

15 (The video was played at this time.)

16 BY MS. FRETER:

17 Q. So the hazard lights for the car are still on;
18 is that right?

19 A. Yes. I don't know if they -- it looked like
20 they stopped for a second, but maybe it was because
21 the brakes were activated. I'm not sure.

22 Q. Okay. But at this point, the hazard lights are
23 still on?

24 A. Yes.

25 Q. And so the officer who is in the other car in

WAID - CONTINUED CROSS/FRETER

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1 the front, who is that?

2 A. I know one of them was Detective Ruleau from
3 the sheriff's office. I believe there was a second
4 one there. I just don't remember who that was.

5 Q. Your best recollection is the car in front was
6 not from Merrill Police Department?

7 A. No, I believe it was the Lincoln County
8 Sheriff's Office.

9 Q. And then that's you right there?

10 A. Yes.

11 Q. And you go up to the car, you open the door,
12 and then would you say you get Mr. Patel out?

13 A. I asked him to get out of the vehicle.

14 Q. Okay. So at this point your hand is on the
15 handle to the door. Are you talking to him?

16 A. I think that -- if I remember right, I think
17 the door was locked, and I asked for maybe it to be
18 unlocked. There was a little delay there of me
19 being able to open the door, and then I asked him
20 to get out of the car.

21 Q. Do you remember if you're pulling on it or you
22 don't remember?

23 A. It looks like I might have been, yes.

24 Q. And do you see, sort of, motion there like
25 this; is that right?

WAID - CONTINUED CROSS/FRETER

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1 A. Yes.

2 Q. And is it your recollection then, after you do
3 that motion, the door gets unlocked?

4 A. That makes sense. I don't recall, but that
5 would make sense.

6 Q. That's fine. And then you open the door, and
7 that's what we're seeing right here?

8 A. Yes.

9 Q. And then we're stopped at 15:39:03. Do you
10 remember, are you saying anything at this point?

11 A. I asked him to get out of the car from my
12 recollection.

13 Q. And you've got your hand, sort of, on the door,
14 and you're kind of leaning in, but you're also,
15 sort of, staying back with your right hand at the
16 back just in case, right?

17 A. Yes.

18 Q. Because you never know with a traffic stop?

19 A. Yes.

20 Q. And then this officer who's coming up from the
21 right side in the vest, who is that?

22 A. That is Detective Sir.

23 Q. Okay. And then Mr. Patel gets out of the car
24 with his hands up; is that right?

25 A. Yes.

WAID - CONTINUED CROSS/FRETER

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1 Q. Did you tell him to put his hands up?

2 A. Prior to me approaching the vehicle, there were
3 commands given for us to see his hands, and I
4 believe he was still -- still taking that order in
5 consideration, and you'll see once I get him to the
6 back of the car, I said, Hey, you can put your
7 hands on the car.

8 Q. So when you say there were directions given to
9 put your hands up, who gave those directions?

10 A. I don't recall if it was me, the other officers
11 in front of him or a combination thereof. I just
12 remember that it happened.

13 Q. Are you yelling or is it through a bullhorn or
14 how is that working?

15 A. Just verbally, yeah, with no microphones or
16 bullhorn.

17 Q. And when you say before you approach the car,
18 where in this sequence is that? Like where are you
19 when you're saying, "Put your hands up"?

20 A. Next to my patrol vehicle after I got out.

21 Q. And I'm sorry. It was too fast for me. Next
22 to your patrol vehicle?

23 A. After I had gotten out of my patrol vehicle.

24 Q. I'm going to back up. You tell me to stop when
25 you say, "Put your hands up." Have you said it at

WAID - CONTINUED CROSS/FRETER

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1 this point?

2 A. Well, like I said, I don't remember if I said
3 it, the other detective said it, or if it was a
4 combination thereof, but it would have -- I heard
5 it, so I would have been out of the car.

6 Q. And I'm going to get you to slow down just a
7 little bit because I'm having a hard time. We're
8 just going to slow down a little bit. You're
9 conveying a lot of information. So just slow down
10 just a tad.

11 A. Okay.

12 Q. What you're telling me is you don't remember
13 exactly who said, "Put your hands up"?

14 A. Yes.

15 Q. You do remember, though, that was when you were
16 still by your car?

17 A. Yes.

18 Q. Okay. Tell me to stop when you -- when you
19 think that somebody said, "Put your hands up."

20 (The video was played at this time.)

21 THE WITNESS: So at some point after you
22 see my patrol vehicle stop, you will see the dash
23 camera kind of jiggle. That is likely me shutting
24 my door. So at that point, I would have been out
25 of the vehicle, and it would have been sometime --

WAID - CONTINUED CROSS/FRETER

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1 right there.

2 BY MS. FRETER:

3 Q. There was the jiggle. So that's when you get
4 out?

5 A. Yes.

6 Q. And so it's around this time somebody says,
7 "Put up your hands"?

8 A. Yes.

9 Q. And can you, from where you're standing, see
10 Mr. Patel in this car?

11 A. I can see part of him.

12 Q. Okay. Are his hands up?

13 A. This very second, no.

14 Q. Do you see when he does put his hands up?

15 A. Yes.

16 Q. When is that?

17 A. Between right now and the time that I decide to
18 walk into view.

19 (The video was played at this time.)

20 BY MS. FRETER:

21 Q. Can you see him put his hands up on the camera
22 part?

23 A. Right now on the screen, I can -- it's hard to
24 see. There is a bit of a glare.

25 Q. But you remember that happening from your

WAID - CONTINUED CROSS/FRETER

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1 memory?

2 A. Yes.

3 Q. Okay. And so he comes out with his hands up.
4 Are you still talking to him at this point?

5 A. Yes. I think I'm asking him to go to the back
6 of the vehicle at this point.

7 Q. And he -- it looks like from the video -- you
8 tell me if I'm wrong -- like he tries to go back
9 into the vehicle?

10 A. Yes.

11 Q. Is he saying anything to you at that point?

12 A. Nothing that I recall.

13 Q. You grab -- he is wearing a gray hoodie. You
14 grab that hoodie, right?

15 A. Yes.

16 Q. In order to, sort of, get control of him to
17 make sure he doesn't go back into the car for a
18 weapon or something like that?

19 A. Yes.

20 Q. And when you guys go through the car and
21 through your investigation, you don't find any
22 weapons in the car?

23 A. No, I don't believe -- I don't remember if we
24 searched the entire vehicle or not, but we did not
25 find any weapons.

WAID - CONTINUED CROSS/FRETER

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1 Q. You did look through the backpack later, right?

2 A. Yes, I believe so.

3 Q. Because you were trying to find his ID?

4 A. Yes.

5 Q. And there wasn't a gun or anything in there?

6 A. No.

7 Q. And also, at some point, you go into the car --
8 you personally go into the car to get the cell
9 phone; is that right?

10 A. Yes.

11 Q. And Mr. Patel gave you consent to get the
12 backpack, right?

13 A. Yes, yes.

14 Q. Because you're trying to find his ID?

15 A. Yes.

16 Q. And he said, Go look at my backpack, and you
17 guys said, Sure, I'll go get it or whatever?

18 A. Yes.

19 Q. And the same is true for the phone. He said,
20 Go ahead and look at my phone; is that right?

21 A. He had provided consent to search his phone at
22 some point in this video, yes.

23 Q. Okay. And through the process of both
24 retrieving the backpack and getting the phone and
25 then being there by the car, you guys don't find

WAID - CONTINUED CROSS/FRETER

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1 weapons?

2 A. No.

3 Q. And so the purpose of you grabbing his hoodie
4 and then kind of moving him is what?

5 A. For officer safety.

6 Q. Okay. And can you explain that just a little
7 bit more, what you mean by that?

8 A. To make sure that we are safe.

9 Q. And that you have control over Mr. Patel's
10 person so that his movements, until you know more
11 about what's going on, are restricted; is that
12 right?

13 A. Yes.

14 Q. And so then he points to the back of the car,
15 and then you also point to the back of the car; is
16 that right? Here, I can --

17 (The video was played at this time.)

18 BY MS. FRETER:

19 Q. He points to the back of the car, you point to
20 the back of the car. You have this, sort of,
21 pantomime communication. You tell him to put his
22 hands on the car and he does so; is that right?

23 A. Yes.

24 Q. Do you remember if you're trying to talk to him
25 at that point?

WAID - CONTINUED CROSS/FRETER

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1 A. Yeah, throughout this time I was trying --
2 basically starting in this general area, I was
3 starting to try to communicate with him.

4 Q. Okay. And is he trying to talk back to you?

5 A. Yes.

6 Q. What is he saying to you?

7 A. The only thing that I recall him -- because
8 there was conversation about me asking him, you
9 know, where he was coming from, what he was doing
10 here, things of that nature, and he had said
11 something similar to the fact that he was coming to
12 this spot. That is only thing I remember him
13 saying. There was a communication issue. I wasn't
14 understanding some of his responses. I believe he
15 wasn't understanding some of my questions.

16 Q. And so just in this little vignette of you
17 trying to get him out of the car safely and put him
18 in a place safely until you can figure out what's
19 going on, you're telling him go to the back of the
20 car, back of the car. Is he saying at this point
21 anything to you?

22 A. If he did, I don't recall what it was.

23 Q. At this point you're not to the point of the
24 conversation yet where you're saying, "What are you
25 doing here?" You're just trying to get him, sort

WAID - CONTINUED CROSS/FRETER

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1 of, secured?

2 A. Yes, I think, basically, at this point in the
3 video is where that conversation begins.

4 Q. Okay. When you said you had difficulty with
5 language or understanding, why was that? In just
6 very basic terms, what were the issues that you
7 guys were having?

8 A. Very bluntly, I did not know that he was able
9 to speak English.

10 Q. Did he have a thick accent?

11 A. Yes.

12 Q. And the accent was such that it was -- it just
13 was difficult to understand what he was saying?

14 A. Difficult to understand what he was saying and
15 gave an impression that he may not understand what
16 I was asking.

17 Q. And that included basic things like, "Don't go
18 back into the car. Go to the rear of my vehicle";
19 is that right?

20 A. Yeah, I started using -- I started using hand
21 gestures, like, to try to communicate better rather
22 than just verbally.

23 Q. And that process wasn't about what he was doing
24 here or something? That was -- difficulty in
25 communication was just about very basic things

WAID - CONTINUED CROSS/FRETER

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1 about where to get out of the car and where to go
2 so that everybody was safe?

3 A. Yes.

4 Q. And then now we're at 15:39 in the video, and
5 the video started around 15:37. Would you say that
6 that time is accurate? Like this whole thing up to
7 where we are took about two minutes?

8 A. Yes.

9 Q. And then we see on the video you're talking to
10 Mr. Patel, and he's talking back to you; is that
11 right?

12 A. Yes.

13 Q. And you can -- you remember he was talking back
14 to you, but we can also see, like, hand movements
15 and stuff; is that right?

16 A. Yes.

17 Q. And then he sort of gestures and you look, and
18 everybody is just sort of trying to figure out
19 what's going on. Is that fair to say?

20 A. Yes. We're trying to have a conversation about
21 what he's doing there. At some point I believe I
22 ask him if he has an ID or driver's license.

23 Q. Okay. And then why do you start patting him
24 down here?

25 A. So right around this time I'd asked him if he

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1 would allow me to pat him down, and he said yes.

2 So then I patted him down for weapons.

3 Q. And you don't find anything?

4 A. Correct.

5 Q. And then what do you say there?

6 A. I patted him on the back and said hang out with
7 this guy for a minute.

8 Q. And what's your intention to go do now?

9 A. Obtain the driver's license.

10 Q. Which he told you, Go ahead and get it?

11 A. I don't know if he said it at this point or if
12 that is a little bit further in the video, but I --
13 this could be that part.

14 Q. Okay. I'll sort of ask it this way: At no
15 point in your dealings with Mr. Patel did he ever
16 say, Don't go into my car?

17 A. No.

18 Q. And at no point did he ever say, And don't look
19 in my backpack?

20 A. No.

21 Q. And at no point did he ever say, Don't look at
22 my phone?

23 A. No.

24 Q. The communication, in whatever manner it was,
25 that he was giving to you was -- and you

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1 interpreted it that way was go ahead and do all
2 those things, right?

3 A. Yes, it was consent.

4 Q. He never said, No, no, no, nothing like that?

5 A. No.

6 Q. And in the process, like, with the phone, he
7 gives you the password; is that right?

8 A. Yes.

9 Q. And I wasn't sure I understood. Did it have
10 facial recognition too or just the password?

11 A. I don't remember if it had both. I just know
12 that a PIN number was able to unlock the phone.

13 Q. Okay. And at this point in the video, he's
14 sort of trying to go back into the car, and you
15 guys say, No, stay at the rear; is that right?

16 A. Could you play the video?

17 Q. Yeah.

18 (The video was played at this time.)

19 BY MS. FRETER:

20 Q. There it was, right?

21 A. So yes, it looks like there is communication
22 about where the backpack might be in the vehicle
23 and us communicating about obtaining it.

24 Q. Because you're looking for his ID?

25 A. Yes.

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1 Q. So he kind of makes a move, and you guys say,
2 No, no, stay back there, kind of?

3 A. It looks like that might have happened.

4 Q. And then you point inside the car, and you have
5 some sort of communication, and then you go inside
6 the car and you get the backpack?

7 A. Yes.

8 Q. And then you're -- are you talking to him at
9 this point?

10 A. Yes. I don't exactly know what I'm asking
11 about at this point, but it looks like we are
12 talking.

13 Q. Okay. And then who's this gentleman that comes
14 up on the left all of the sudden?

15 A. So that is Detective Ruleau. That was the
16 gentleman I was talking about earlier that was in
17 the other vehicle in front of Mr. Patel.

18 THE COURT: Can you spell that officer's
19 last name. You're saying it fast and so I want to
20 make sure --

21 THE WITNESS: It's R-u-l-e-a-u, Ruleau.

22 THE COURT: Thank you.

23 BY MS. FRETER:

24 Q. And then the other detective who's in the blue
25 shirt is saying something now and he's pointing; is

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1 that right?

2 A. It looks to be that way.

3 Q. And then at this point, before you give him the
4 backpack, have you already, sort of, looked through
5 it or felt it to make sure there's no weapons in
6 there?

7 A. I don't remember if I did that or not.

8 Q. Okay. But at this point, you're not super
9 worried about it; otherwise, you wouldn't have
10 given him the backpack to look through, right?

11 A. Right.

12 Q. And are you having him look through the
13 backpack because he wasn't totally able to
14 articulate where the identification was?

15 A. From my recollection, he initially believed his
16 ID was in his backpack, and we allowed him to kind
17 of look through that to get that. That's why, I
18 believe, we were allowing him to look in those
19 pockets.

20 Q. And then you guys let him go back into the
21 car?

22 A. So yeah. So if you saw earlier -- like I was
23 able to see, you know, there was nothing dangerous
24 in that front seat, and he -- somewhere right in
25 this part, he said, My ID is in my wallet, or

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1 something similar to that, and he walks up and
2 retrieves it.

3 Q. And because it's safeish -- or you feel it's
4 safe, it's more efficient to have him get it rather
5 than him trying to tell you where it is?

6 A. Yes, especially with the communication issue.

7 Q. Okay. So he pulls out his wallet, and then he
8 gives you something, and that's that Illinois ID
9 that we looked at yesterday; is that right?

10 A. Yes.

11 Q. And you run it and you do all the things that
12 you do when you get somebody's ID; is that right?

13 A. Yes.

14 Q. And you also run the registration on the car;
15 is that correct?

16 A. Yes.

17 Q. And that registration came back to Mr. Patel?

18 A. Yes.

19 Q. And then we're not going to watch the whole
20 video, but you've seen this whole video; is that
21 right?

22 A. I have seen several minutes of this video. I
23 don't know if I've seen all 34 minutes, but I've
24 seen what I believe to be the relevant parts of the
25 video.

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1 Q. And it fairly and accurately reflected what you
2 remembered happening at the time?

3 A. Yes.

4 Q. And so who's this -- is that a woman in the red
5 hat?

6 A. Yes, that is Detective Cimino who has now
7 walked from the victim's residence to the traffic
8 stop.

9 Q. And that's the person who was inside
10 Ms. Endres' house?

11 A. Yes.

12 THE COURT: Can you spell her name.

13 THE WITNESS: C-i-m-i-n-o.

14 THE COURT: Thank you.

15 BY MS. FRETER:

16 Q. And so I'm going to just slide forward, so
17 we're now at 15:50, and so you guys have been out
18 there for ten minutes or so, and it's cold that
19 day; is that right?

20 A. Yes.

21 Q. And so at this point, you guys have not
22 sufficiently concluded your scene investigation; is
23 that right? You're not done with Mr. Patel yet?

24 A. Correct.

25 Q. You have some more stuff it do?

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1 A. Yes.

2 Q. And at this point you're not exactly sure how
3 long it's going to take, so you guys are going to
4 give him a coat and make him more comfortable so
5 that he's not out in the cold; is that right?

6 A. Yes. You're -- when you say that, I'm starting
7 to remember some things that I had forgotten about
8 this video, so yes, I do believe that happened.

9 Q. We'll press play and see if that happens.

10 (The video was played at this time.)

11 BY MS. FRETER:

12 Q. Who is the gentleman on the far left?

13 A. That is Detective Ruleau.

14 Q. The guy who was in the car.

15 And then is this you in the far left in
16 the red jacket?

17 A. No.

18 Q. Who's that?

19 A. That is Detective Burkhardt from the Lincoln
20 County Sheriff's Office. He may have been in the
21 other police vehicle in front of Mr. Patel. It was
22 either that or he came from around the corner in a
23 different vehicle.

24 Q. Where are you at in this moment?

25 A. I believe I'm still in the patrol vehicle.

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1 Q. And then here's the coat?

2 A. Yes.

3 Q. At this point do you have the phone?

4 A. I don't know that that's happened yet.

5 Q. Okay. I'll skooch forward a little bit.

6 This is you back over here on the left; is
7 that right?

8 A. Yes.

9 Q. You've got on the hat and glasses maybe?

10 A. Yes.

11 Q. At this point do you have the phone?

12 A. I believe so. If you look on the right side of
13 the screen, you'll see Detective Cimino in the
14 white coat. I'm right behind her, and I believe
15 it's at this point that we are looking at the
16 phone.

17 Q. Okay. When you say "behind," you're closer to
18 the car or you're in -- in front toward like -- are
19 you talking to her, and we just can't see you?

20 A. Yes.

21 Q. Okay.

22 A. We're right next to each other.

23 Q. So you're not at her back? You're at her
24 front?

25 A. Correct.

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1 Q. And at this point you guys are looking at the
2 phone?

3 A. Yes.

4 Q. And then who is this gentleman here talking to
5 Mr. Patel?

6 A. That is Lieutenant Seubert.

7 Q. Can you spell that?

8 A. S-e-u-b-e-r-t.

9 Q. And you're standing, sort of, closer to the
10 camera here? You have this "police" on the back of
11 your vest; is that right?

12 A. Yes.

13 Q. And Detective Sir is over here with the blue
14 shirt?

15 A. Yes.

16 Q. And Mr. Patel is the sort of -- shorter than
17 Detective Sir on the left?

18 A. Yes.

19 Q. And are you able to hear this conversation or
20 you're too far away?

21 A. I don't remember what the context of the
22 conversation was at this point if I was able to
23 hear.

24 Q. And you guys do some more stuff, okay, and so
25 now we're at 16:11 or so. What's happening now?

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1 A. Generally, in this area, is, I think, we're
2 kind of having final discussions about what we want
3 to do and what's going to happen next in the
4 investigation.

5 Q. And who's the decision maker of this crew of
6 law enforcement?

7 A. So I don't know if there's a designated person
8 necessarily; although, one could maybe argue that
9 Lieutenant Seubert would have the ultimate decision
10 on what would happen next, but usually we have a
11 conversation collectively of maybe what the best
12 course of action is next.

13 Q. But if somebody had to decide, it would be him
14 because he was the highest-ranking officer from
15 Merrill that was there?

16 A. I mean, I think you could -- I think you could
17 say that; although, that maybe doesn't always
18 happen, but I think that is probably mostly
19 accurate.

20 Q. You guys are all, like, walking back to the
21 car. What's happening here?

22 A. I don't know what's happening right now unless,
23 I guess, I watch what's happening.

24 Q. And then we can see this EL rear and EL front.
25 Those are still highlighted. So that means the

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1 lights are still on; is that right?

2 A. Yes.

3 Q. I'll skooch ahead. Do you know where Mr. Patel
4 is at this point at 16:15?

5 A. I don't know if I'm accurate, but thinking back
6 right now -- it's been a long time since this
7 happened, but something tells me we maybe allowed
8 him to sit in the car to stay warm. I don't know
9 if that's accurate, but something tells me
10 that's --

11 Q. And you guys here at 16:15 are still sort of
12 talking about what you're going to do moving
13 forward?

14 A. Yes. Kind of discussions about, you know, what
15 each person gained for information and kind of
16 exchanging that information amongst each other.

17 Q. Okay. And then this video ends at 16:22; is
18 that right?

19 A. Yes.

20 Q. Okay. And that last sort of snapshot was
21 Detective Sir walking Mr. Patel back to his car; is
22 that right?

23 A. Yes.

24 Q. And the decision was made at that time
25 Mr. Patel was free to go and was on his way; is

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1 that right?

2 A. Yes.

3 Q. And the video stopped?

4 A. Yes.

5 Q. And you guys kept the phone?

6 A. Yes.

7 MS. FRETER: Jackie, if I could turn my
8 monitor off from the big group. I'll just unplug
9 it. That will work, won't it?

10 COURTROOM DEPUTY: You're okay. I got
11 it.

12 MS. FRETER: I'm going to switch now to
13 Government's Exhibit 113, and if we could show this
14 to the witness and the jury.

15 BY MS. FRETER:

16 Q. And so do you remember this, Government's
17 Exhibit 113?

18 A. Yes.

19 Q. And remind us what that is.

20 A. It was an image of a \$1 bill with writing on
21 it.

22 Q. And this is an image that came off of
23 Mr. Patel's phone when you looked at it with the
24 Cellebrite?

25 A. Yes.

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1 Q. And it would be what we call extracted via
2 their software and hardware; is that right?

3 A. Yes.

4 Q. This is not an image -- when you guys were
5 looking through the phone, this isn't an image that
6 you somehow captured that way; is that right?

7 A. No, this was not from the scene of the traffic
8 stop.

9 Q. This is an image that sometime later back in
10 your office you did with the Cellebrite to
11 extract?

12 A. Yes.

13 Q. I won't go through it again. We talked all
14 about Cellebrite yesterday, right?

15 A. Yes.

16 Q. And so on this is written this 27120; is that
17 right?

18 A. Yes.

19 Q. And then this little scribble here; is that
20 correct?

21 A. Yes.

22 Q. And you testified -- remind us, you did drug
23 investigations; is that correct?

24 A. Yes.

25 Q. You didn't find any drugs in anything related

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1 to this car, backpack, anything like that; is that
2 right?

3 A. No.

4 Q. And you surmised -- you extrapolated that you
5 thought that this was a way -- these pictures of
6 money was a way for people to communicate with each
7 other; is that right?

8 A. Yes.

9 Q. And that's based on your drug investigations or
10 just it's your feeling or some other training?
11 Like why are you surmising that?

12 A. I think if you look at the totality of the
13 circumstances, it was the most likely conclusion
14 based on training, previous investigations, how
15 people covertly communicate, and just our belief
16 based on those things.

17 Q. And so you're offering an opinion; is that
18 right?

19 A. Yes, I formed a belief.

20 Q. I'm going to go to Government's Exhibit 119.
21 Do you remember this Exhibit 119 from yesterday?

22 A. I remember the video. I just don't remember
23 exactly which of the videos it was.

24 Q. Okay. Generally speaking, it's a package
25 that's taped up that there's a video of -- that's

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1 on Mr. Patel's phone; is that right?

2 A. Yes.

3 Q. And you extracted it the same way you extracted
4 the picture?

5 A. Yes.

6 (The video was played at this time.)

7 BY MS. FRETER:

8 Q. Okay. And then in this video, the package is
9 being turned around; is that right?

10 A. Yes.

11 Q. And there's this number on it, 1027. Do you
12 know what that means?

13 A. No.

14 Q. Do you think that this is a way to communicate
15 like this picture here that has this 21 -- 27120?
16 Do you know what this is?

17 A. Based on how it's written and the fact that
18 it's a shipping box, I believe it likely has
19 something more to do with being associated with
20 whatever the original package came from.

21 Q. Okay. And that's an opinion or extrapolation
22 that you've made; is that right?

23 A. Yes.

24 Q. But you don't know who wrote the numbers on the
25 package?

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1 A. No.

2 Q. And the same way, you don't know who wrote
3 these numbers on this dollar bill?

4 A. Is this the -- I guess I have a question. Is
5 this the dollar bill that previously did not have
6 writing on it that was located in the images, or is
7 this the other one? Because I do remember there
8 was one where we -- there was both.

9 Q. I think that that was the one that said -- it
10 looked like maybe received or something like that.
11 I think that was --

12 A. Yes, okay.

13 Q. The one that ended in 89 or --

14 A. Sure. So when you take that in consideration
15 with the other dollar bills compared to this image,
16 and we show that there was an image of a dollar
17 bill with no writing and then a few minutes later
18 there's writing on it taken by the same phone, I
19 think it's logical to form the opinion that
20 Mr. Patel wrote that. So then you get into this
21 image and can form the belief that it happened with
22 this one too.

23 Q. So I'm going to break that down a little bit.

24 The Government -- and I don't have it handy.

25 They'll bring it up if they want to go back through

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1 it.

2 There were pictures we saw yesterday. It
3 is a dollar bill. They talked about the serial
4 number on the dollar bill and those are unique to
5 money; is that right?

6 A. Yes.

7 Q. Okay. And it talked about the last three
8 digits, and there's a picture on the phone with no
9 writing on it, and then you found a time-stamped
10 picture just a little bit later that had writing on
11 it; is that right?

12 A. Yes.

13 Q. And you have formed an opinion, or you yourself
14 have extrapolated, that because the dollar bill
15 didn't have writing on it and then it did have
16 writing on it that someone who had access to the
17 phone close in time wrote on it; is that right?

18 A. That makes the most sense, that someone wrote
19 on that within that period of time.

20 Q. And it is your opinion that it is, in your
21 opinion, Mr. Patel; is that right?

22 A. Yes.

23 Q. Okay. You don't know, though, who else was in
24 the car with him, right?

25 A. On the day that the photos were taken?

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1 Q. Yeah.

2 A. Correct.

3 Q. You don't know if he stopped somewhere?

4 A. No.

5 Q. You are extrapolating, or forming an opinion,
6 that it was him because it was on his phone; is
7 that right?

8 A. Yes.

9 Q. But you don't know for sure?

10 A. But it is most logical that he was the operator
11 of his phone.

12 Q. So true for this Exhibit 113, there's no
13 similar picture with no writing for this dollar
14 bill; is that right?

15 A. Not to my knowledge.

16 Q. Okay. And you don't know who wrote 27120 on
17 it?

18 A. No.

19 Q. Just like with this package -- oops. Wrong
20 one.

21 Just like with this package, you don't
22 know who wrote 1027 on it?

23 A. Correct.

24 Q. Is it significant to you that these are the
25 same 0127 (sic) numbers with both the package and

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1 the dollar?

2 A. They're not the same numbers and they're
3 written differently with different ink, and you
4 commonly find writing on packages not on dollar
5 bills.

6 Q. Okay. And so my question was: Was it
7 significant to you that 1027 and 27120 are both on
8 this package and on this dollar bill?

9 A. Are you asking me if they're both significant
10 to me?

11 Q. Yes. The fact that it's some combination of
12 1's, 0's, 2's and 7's on both the package and both
13 the dollar bill. Is that significant to you?

14 A. I would say that the writing on the dollar bill
15 is more significant than the writing on the
16 package. I don't know how else to answer that.

17 MS. FRETER: Jackie, if we could switch
18 back to the Government's computer. If I could have
19 Exhibit No. 78, please.

20 BY MS. FRETER:

21 Q. Okay. Can you see Exhibit 78?

22 A. Yes.

23 Q. And remind us what this is.

24 A. This is an Application for Visitor Visa from
25 Canada.

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1 Q. And this is -- do you remember how many pages
2 long this is?

3 A. I don't.

4 Q. If we could scroll to --

5 A. Looks like 6 possibly.

6 Q. Six?

7 A. Maybe not.

8 Q. It says 55 up there. Is that 55?

9 A. I'm guessing so.

10 Q. Is it 55 pages? Does that sound right?

11 A. Yes, on the first page, I apologize, it says
12 Page 1 of 6 at the top, but I think that's just for
13 the application part.

14 Q. If we click through 1, 2, 3, down to page 7,
15 okay, and then to page 8 and then page 9. So this
16 goes on for a while. This entire document, this
17 entire Exhibit 78 is 55 pages; is that right?

18 A. Yes.

19 Q. And this, again, was something that you
20 extracted from the phone?

21 A. Yes.

22 Q. Using the Cellebrite?

23 A. Yes.

24 Q. Was this contained in what flavor of format?
25 When I say that, does that make sense or not

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1 really?

2 A. No, but I think I know what you mean.

3 Q. So let me see if I can clear it up. There's
4 different formats that stuff can be in. JPEG, for
5 example; is that right?

6 A. Yes.

7 Q. And that usually is pictures?

8 A. Yes.

9 Q. Or PDF, which stands for portable document
10 something with an F, right, which we all use a lot?
11 It's usually used for more written stuff? Is that
12 fair to say?

13 A. Yes.

14 Q. You can have pictures it in though?

15 A. Yes.

16 Q. The PDF or the JPEG has to do with some -- just
17 the electronic format of the thing; is that
18 right?

19 A. I don't know what the "thing" is, but --

20 Q. Whatever you're --

21 A. -- electronic format of the item you're looking
22 at.

23 Q. Item, right. And so I said "flavor," right?

24 What type of thing, what flavor of item was this

25 Exhibit 78 in the phone?

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1 A. Without reviewing the download, I don't know,
2 but it appears to be, at face value, a PDF version
3 of a document.

4 Q. And was it all contained in one document, all
5 55 pages together in one PDF, or was it split up
6 over several parts?

7 A. I don't remember that. I believe it was all
8 one document.

9 MS. FRETER: And if we could go back to
10 page 1, please.

11 BY MS. FRETER:

12 Q. At the bottom there when it says date, it says
13 2010, dash, 01, dash, 23. Do you see that? It's
14 will --

15 A. In Box 10 all the way to the right?

16 Q. Yes.

17 A. Yes.

18 Q. Do you know what that references?

19 A. If you'd zoom out, I believe it had to do with
20 married status.

21 Q. Okay. And then the date of birth, up there, is
22 5-30-1980; is that right?

23 A. Yes.

24 Q. And then this is for a visitor visa to Canada;
25 is that correct?

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1 A. Yes.

2 MS. FRETER: And if you could go to page

3 2.

4 BY MS. FRETER:

5 Q. This appears to be page 2 of that document; is
6 that right?

7 A. I think so, yes. Yes.

8 MS. FRETER: And then page 3 -- oh, wait.
9 I want to stop for just a second.

10 BY MS. FRETER:

11 Q. In the middle here where it says contact
12 information, there's a postal code, and then it
13 says District, Gujarat. Do you know what that is?
14 District, Gujarat, does that have any meaning to
15 you?

16 A. No.

17 MS. FRETER: If we could go to page 3.

18 BY MS. FRETER:

19 Q. And then this is another page for this? It's
20 in the same document; is that right? Same Canadian
21 application for visa; is that correct?

22 A. Yes.

23 MR. REED: And page 4 and then page 5.

24 BY MS. FRETER:

25 Q. Okay. Down here -- and where it says date, it

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1 says, 2019-12-20; is that right?

2 A. Yes.

3 Q. And other places than the United States
4 sometimes put the year first; is that right?

5 A. I've seen that, yes, different formats.

6 Q. And then the month and then the day?

7 A. Yes.

8 Q. And in the U.S., usually we put the month first
9 and then the day and then the year; is that
10 right?

11 A. Yes.

12 Q. And in this case, it specifies "year, month,
13 day" on the form there?

14 A. Yes.

15 Q. And so the year would be 2019; is that right?

16 A. Yes.

17 Q. Okay. And there's no signature on this
18 application; is that correct?

19 A. Correct.

20 Q. You don't know who filled out this
21 application?

22 A. I can't say who filled it out, no.

23 Q. And it's also typewritten; is that correct?

24 A. Yes.

25 MS. FRETER: And then if you could scroll

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1 down one more page. I'm sorry. One more.

2 BY MS. FRETER:

3 Q. And then this is page, I think, 8 of the
4 document. Do you know what this is?

5 A. It says Application for Temporary Residence at
6 the top.

7 Q. And, again, for Canada; is that correct?

8 A. Yes.

9 Q. And all of the documents contained in this
10 page -- this 55-page document all related to
11 Canada; is that right?

12 A. In the -- yeah, the application part, I think
13 there were some additional attachments, but yes.

14 Q. And in looking at this, there was no signature
15 on it; is that correct?

16 A. I don't recall seeing a signature.

17 Q. And there was no other date other than 2019 in
18 terms of, like, a submission date? That was the
19 last date on this?

20 A. From what you've shown me, yes. I don't
21 remember seeing if there were any other dates on
22 the document.

23 MS. FRETER: Okay. I don't have anything
24 further.

25 THE COURT: Okay.

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1 MR. REED: Just briefly, Judge.

2 **REDIRECT EXAMINATION**

3 BY MR. REED:

4 Q. Good morning, Detective Waid.

5 A. Good morning.

6 Q. Yesterday do you recall defense counsel asking
7 you about the Cellebrite program?

8 A. Yes.

9 Q. Is that commonly used in police departments?

10 A. Yes.

11 Q. Across the country as far as you know?

12 A. Yes.

13 Q. It's kind of the gold standard?

14 A. Yes. I would say it's most likely the only one
15 used in my area if not most of the country.

16 Q. Next, yesterday defense counsel showed you a
17 picture of Karen Endres' first box, the one with
18 the speckled pattern on the outside?

19 A. Yes, are you referring to the one that had the
20 money in the box?

21 Q. Yes, sir.

22 A. Yes.

23 Q. And then showed you a picture of the same box
24 in the car?

25 A. Yes.

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1 Q. And suggested that the tone of color could be
2 interpreted as being slightly different?

3 A. Yes.

4 MR. REED: Could we look briefly at
5 Exhibit 95.

6 BY MR. REED:

7 Q. Okay. Same box right here?

8 A. Yes.

9 Q. Okay. It has Karen Endres' name on the top?

10 A. Yes.

11 Q. And this was created on November 23rd?

12 A. I don't remember the day this was created
13 compared to the other videos.

14 Q. That's okay.

15 MR. REED: And we're finished with this.
16 If we can look at 96.

17 BY MR. REED:

18 Q. All right. This is the report with the
19 metadata.

20 MR. REED: Can we go down to page 6,
21 please, and Box No. 3?

22 BY MR. REED:

23 A. Okay. Yes.

24 Q. This is the video we just watched?

25 A. Yes.

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1 Q. Dated November 23rd?

2 A. Yes.

3 MR. REED: Can we look at Government's
4 Exhibit 43, I believe it is.

5 BY MR. REED:

6 Q. All right. These are the pictures of the box
7 also dated November 23rd?

8 A. Yes.

9 Q. Okay. Thank you.

10 This morning defense counsel asked you a
11 number of questions about that dash cam video. Do
12 you recall that?

13 A. Yes.

14 Q. And you indicated that when you walked up,
15 initially you had some difficulty understanding
16 him?

17 A. Mr. Patel, yes.

18 Q. But you asked him to put his hands up and he
19 did?

20 A. Yes.

21 Q. You asked him to get out of the car and he
22 did?

23 A. Yes.

24 Q. You asked him about his ID and he understood
25 that?

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1 A. Yeah, he gave directions on where it could be
2 and -- yes.

3 Q. He told you it was in the backpack?

4 A. Yes.

5 Q. And then he went and got his wallet?

6 A. Yes.

7 Q. And then at that point you get in the car,
8 right?

9 A. In my car?

10 Q. To your car to run the ID?

11 A. Yes.

12 Q. So there was a large chunk of time I think that
13 we skipped over when we watched it this morning,
14 but you're in the car for a while; is that
15 accurate?

16 A. Yes.

17 Q. Okay. And during that time is Detective Sir
18 talking to Mr. Patel?

19 A. Yes.

20 Q. And it's a few minutes down the road, but
21 Detective Cimino walks up a little later?

22 A. Yes. Later on, yes.

23 Q. So there is a while when Detective Sir is
24 talking to Mr. Patel while you're in the vehicle?

25 A. Yes.

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1 MR. REED: All right. Could we look at --
2 let's pull up 96 again. Go down -- I think it's
3 going to be page 3. If we can just scroll down.
4 Keep going. All right. Stop right here.

5 BY MR. REED:

6 Q. Okay. Do you recall defense counsel asking
7 about the writing on the dollar bills?

8 A. Yes.

9 MR. REED: On this sheet, Sandra, if you
10 can go down to Box 11, please.

11 BY MR. REED:

12 Q. Box 11, do you see that?

13 A. Yes.

14 Q. All these pictures, when you look at the name,
15 they're in sequential order. This is IMG361; is
16 that correct?

17 A. Yes.

18 Q. And this is the picture of the dollar bill with
19 no writing on it; is that correct?

20 A. Yes.

21 Q. When was this taken?

22 A. 12-2 -- excuse me. 11-24-2022 at 1:53 p.m.

23 MR. REED: If we can go back to the main
24 page, and if we can go up to Number 10.

25 BY MR. REED:

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1 Q. This is the next one. What is the name of this
2 file?

3 A. IMG362.

4 Q. So again, it's in the same order?

5 A. Yes.

6 Q. And when was this photo taken?

7 A. 11-24-2022 at 1:56 p.m.

8 Q. Three minutes later?

9 A. Yes.

10 Q. And she asked whether you surmised that these
11 photos were taken by someone who was present when
12 the handwriting was put on the bill. Do you
13 remember her asking you about that?

14 A. Yes.

15 Q. Why do you make that inference?

16 A. Why do I make the --

17 Q. The inference that someone must have been there
18 to take both of these pictures?

19 A. I believed it was likely the same person that
20 took the same pictures.

21 Q. Took both pictures?

22 A. Both pictures, yes.

23 Q. And why do you think it's the same person?

24 A. Because they're taking a picture of the same
25 thing once without writing, once with, and I don't

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1 know why that would be someone different.

2 Q. Okay. And the file names, the fact that these
3 numbers are in sequential order, what does that
4 tell you?

5 A. That they were taken one right after another
6 with no other photos taken in between.

7 Q. Okay. What about what device they were taken
8 with?

9 A. That would -- yes, that would also have
10 information about, you know, the same phone or not,
11 and I guess I wasn't looking at that part, but you
12 can see in the path on the type of device it was
13 taken with.

14 Q. Okay. And what device was it taken with?

15 A. An iPhone.

16 Q. Same device with all the other photos we looked
17 at?

18 A. Yes, to my knowledge.

19 Q. And that's why they're in sequential order.
20 It's 361, 362, 363, 364. They keep going up?

21 A. Correct.

22 Q. So when you surmise that someone must have been
23 present when the handwriting was put on the bill,
24 it's because the phone was present?

25 A. Yes.

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1 MS. FRETER: I'm sorry. I didn't hear
2 the --

3 BY MR. REED:

4 Q. When you surmise that the person who took the
5 picture must have been present when the handwriting
6 was put on the bill, it's because the phone was
7 present?

8 A. Yes.

9 Q. To take the picture?

10 A. Yes.

11 Q. Looking back at this, you mentioned that the
12 path says iPhone mobile media. Do you see that?
13 What kind of phone was this that Mr. Patel had?

14 A. An Apple iPhone.

15 MR. REED: No further questions.

16 MS. FRETER: I don't have anything
17 further.

18 THE COURT: All right. Let's take a
19 five-minute recess. You may step down, sir.

20 THE WITNESS: Thank you.

21 (Witness excused.)

22 (Recess at 10:15 a.m. until 10:24 a.m.)

23 (Jury present.)

24 THE COURT: Call your next witness.

25 MR. WEINHOEFT: Thank you, Your Honor.

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1 The Government calls Virginia Bryan.

2 COURTROOM DEPUTY: Raise your right hand.

3 (Witness sworn.)

4 COURTROOM DEPUTY: Speak into the
5 microphone for me. Pull that closer to you.

6 THE WITNESS: Okay.

7 COURTROOM DEPUTY: Yes.

8 THE WITNESS: Yes.

9 COURTROOM DEPUTY: State your full name
10 and spell your last name for the court reporter.

11 THE WITNESS: Okay. I am Virginia
12 Bryan.

13 COURTROOM DEPUTY: Spell the last name.

14 THE WITNESS: And at this point, I'm still
15 Virginia Bryan, okay, so --

16 THE COURT: All right. I know you're a
17 little nervous.

18 MR. WEINHOEFT: Yeah.

19 THE COURT: Understandable. If you need a
20 break, let us know. If there's a question that's
21 confusing, let us know. We can have it reasked.
22 Okay. And you spell your last name B-r-y-a-n-t
23 (sic). Okay.

24 **VIRGINIA BRYAN, GOVERNMENT'S WITNESS,**

25 **DIRECT EXAMINATION**

BRYAN - DIRECT/WEINHOEFT

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1 BY MR. WEINHOEFT:

2 Q. Good morning, Virginia. How are you?

3 A. I'm okay.

4 Q. A little nervous?

5 A. Always maybe a little nervous, you know, just
6 standing there and doing things and --

7 Q. Okay.

8 A. -- I think the big difference is that I was
9 very young when all of this started and
10 misunderstood all of the --

11 Q. It's okay. Virginia, if you can pull that
12 microphone a little closer to you, and I'll ask a
13 couple questions, okay?

14 A. Okay.

15 THE COURT: And what we'll do is so that
16 we make sure we get this right, he's going to ask
17 you a question, you listen to his question and
18 answer that question. Okay? Then he'll move to
19 the next question, and so it will move smoother
20 that way, and that way I make sure our court
21 reporter gets everything down, okay?

22 THE WITNESS: Okay. The first
23 thing that's --

24 THE COURT: Hold on. Let him ask you a
25 question.

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1 BY MR. WEINHOEFT:

2 Q. I'll get you started, okay, so I'll just ask
3 you the questions and just listen. If you don't
4 understand what I'm asking or you need me to
5 clarify it, you just let me know, okay?

6 A. Okay.

7 Q. All right. Tell us a little bit about your
8 background.

9 A. Well, I was -- had come back from the time when
10 I was in Hawaii, and so this was coming back, and
11 the first thing I saw was something that said I was
12 owing money to -- because everything was not
13 perfect and --

14 Q. Okay. If I can ask you a question about that.

15 A. Yeah.

16 Q. So you got a message saying that you owed
17 money?

18 A. Yes.

19 Q. Do you remember where that message came from?

20 A. Well, that came from someone who had found
21 data, and everything that was supposed to be there
22 and that I owed money, and that was the one time
23 that I looked at that. There were some things that
24 said, Well, you have to do this. There has to be
25 money that you put in and things like that.

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1 Q. Okay. So let's talk about when they first --
2 when you got a message telling you that you owed
3 money, did that come on your phone?

4 A. It was not all from phone, but that's the way
5 it turned out, but this was others also saying that
6 if I did not do that, I would be owing money too.

7 Q. Okay. So you knew you were going to -- that
8 there was a problem with money?

9 A. Yes.

10 Q. And so there were some communications on your
11 phone, right?

12 A. Yes.

13 Q. And were there some also on your email?

14 A. Yes.

15 Q. Okay. And do you remember when you got
16 messages telling you that there was a problem with
17 your money, who did you think you were getting
18 those messages from?

19 A. Well, the first place all of that seemed to be
20 real and everything like that, that I really did
21 owe that and I believed it at the time because
22 there was documents and everything telling me how
23 much that was.

24 Q. Okay. Well, let's just go ahead and go to the
25 document that you just referenced.

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1 MR. WEINHOEFT: If we could see -- if the
2 witness could see, please, Government's Exhibit No.
3 65.

4 BY MR. WEINHOEFT:

5 Q. Virginia, if I can ask you to look at your
6 screen there, there's going to be a copy of a
7 letter that I'm going to ask you if you recognize.

8 THE COURT: Has it already been admitted?

9 MR. WEINHOEFT: No.

10 THE COURT: Okay. Is there going to be
11 any objection to this?

12 MS. FRETER: No, Your Honor.

13 MR. WEINHOEFT: Can I move for admission
14 of 65?

15 THE COURT: All right. It's admitted and
16 you can broadcast to the jury.

17 (Government's Exhibit No. 65 was received
18 in evidence.)

19 MR. WEINHOEFT: If we can publish 65
20 then.

21 BY MR. WEINHOEFT:

22 Q. Okay. Virginia, can you see your screen
23 there?

24 A. Yes.

25 Q. And if I could ask you to talk right into that

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1 microphone.

2 Does that letter look familiar?

3 A. That -- once I had all of the various things
4 that were in where it was and documents and
5 everything, I had no idea at that time how to do
6 that, and I did my best in order to look at that.

7 Q. I'm sure you did.

8 Looking at the top of 65 there on that
9 screen right there, is that the letter that you got
10 that -- when they were talking with you about your
11 money?

12 A. Yes.

13 Q. Okay. And who did you think this letter came
14 from; and if I could ask you to make sure you talk
15 right into that microphone for me.

16 A. Well, because of the documents that I did get
17 and things like that, I was really looking for how
18 much money I needed to do and tried to do all of
19 that.

20 Q. Okay. So when you got this letter here, this
21 Number 65, for example, did you think you were
22 getting a letter from the Government?

23 A. Yes.

24 Q. Okay. And were you talking with anybody on the
25 phone that told you he was a government agent and

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1 was telling you that you needed to keep your money
2 safe?

3 A. Yes.

4 Q. If you can tell us a little bit about some of
5 those conversations and how that began.

6 A. Well, a lot of that was because I did not
7 understand how this would be done, but it was
8 appointed, and everything that I was told, that it
9 was the Government, and so this was now looking for
10 how I would deal with that.

11 Q. Okay. And if we could go to page 3, and this
12 is the second letter that I think you got. I'm
13 going to ask you if you recognize that letter. Is
14 this another letter that you got on your email or
15 on your phone from the person who told you he was
16 with the Government?

17 A. Yes.

18 MR. WEINHOEFT: Okay. And Sandra, if we
19 can blow up in that third paragraph, first
20 sentence.

21 BY MR. WEINHOEFT:

22 Q. In that letter did they tell you in writing
23 that you need to cooperate with the authorities?
24 Do you see that written there, Virginia?

25 A. Yes, I do.

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1 Q. Okay. Now the person that you were talking
2 with, did he tell you the same thing, that you had
3 to pay money back and that you were required to
4 cooperate?

5 A. Yes.

6 Q. And did you believe him?

7 A. Yes.

8 Q. Okay. When they first tried to get you to pay
9 money back, and they -- I guess, when they first
10 got some of your money, do you remember putting
11 some money into some machines?

12 A. Yes.

13 Q. Okay. And if I could have you talk right into
14 that microphone.

15 A. Okay. Yes.

16 Q. You can move that, too, if you'd like. If you
17 want to slide that to make it easier, you go right
18 ahead, okay?

19 A. Okay.

20 Q. So when -- and do you remember the person who
21 called you, did he call himself Timothy, the person
22 who said he was a government agent?

23 A. Yes.

24 Q. How often would Timothy call you?

25 A. He did do that as long as he could because he

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1 said that that was what was necessary, but I had no
2 idea how I would put that money in at the point,
3 and he made lots of conversation with me that I had
4 to do that.

5 Q. Right. This was something he told you you had
6 to do? You didn't have a choice, right?

7 A. That's right, and that determined that I had to
8 figure out how to pay that.

9 Q. Okay. And did Timothy tell you that he wanted
10 you to take money out of the bank and put it into a
11 machine?

12 A. Yes.

13 Q. Okay. And tell us a little bit about that.
14 Had you ever used something called a Bitcoin
15 machine before?

16 A. No.

17 Q. Virginia, do you know what Bitcoin even is?

18 A. I do know a little bit more about it because it
19 was there all the time, and I did take money out to
20 do that and was then chose -- shown how to put it
21 into Bitcoins and stuff like that.

22 Q. Okay.

23 A. I had never done -- I had talked to one person
24 slightly about what it was, what it would do, but
25 that was all that was said, and the rest of it, I

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1 had to figure out and be correct.

2 Q. All right. So it's safe to say before you
3 spoke to Agent Timothy, you had never used Bitcoin
4 before?

5 A. I had never done that. I didn't know really --
6 well, I knew that that was, you know, something
7 that people did, but I only got something that sort
8 of told me how to sort of not do anything but just
9 do it the way it should be, and so -- and --

10 Q. Did this Agent Timothy who was calling you try
11 to get you to set up something called a wallet to
12 hold Bitcoin -- to hold your money in?

13 A. Yes.

14 Q. Okay. And did he have to help you get that set
15 up?

16 A. The first time, yes.

17 Q. Okay. Did you send him a picture of your
18 driver's license, for example?

19 A. I had to do everything from all of my -- what I
20 was -- where -- you know, my driver's license, all
21 kinds of other things in order to do that.

22 Q. Okay. And so would you, like, take a picture
23 on your phone and send those to this Agent
24 Timothy?

25 A. Well, yes. They were all there in his, and

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1 so --

2 Q. Then after your Bitcoin wallet got set up, did
3 you get text messages and emails that showed that
4 was set up, that you could now use that wallet?

5 A. Yeah.

6 Q. Okay. You got text messages and knew you could
7 go to the machines now?

8 A. I had to, yes.

9 Q. Okay. And so let's talk about -- did you ever
10 go to any machines and put some of your money into
11 those Bitcoin machines?

12 A. Okay. After I had started that and there was
13 more people telling me that that was -- you could
14 do it, but it was not going to be your money and
15 everything like that, and the only thing I managed
16 to do was go in and actually figure out how I could
17 put some things in that, and that was, again, the
18 very documents that I was being given and things
19 like that.

20 Q. Right. And that's how to get things set up to
21 begin with, right?

22 A. Yes, it was.

23 Q. Okay. Once everything was set up, did this
24 Agent Timothy talk to you about taking your money
25 out of the bank in cash and putting cash into the

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1 machines?

2 A. Of course.

3 Q. All right. Did you know where to find a
4 Bitcoin machine?

5 A. It took me a long time to find it.

6 Q. How did you find one?

7 A. I was told how to find that, but it did take a
8 little while because I had really no idea what I
9 was up to. What was I to find where it was? Now,
10 where it was, at the beginning of all of this, was
11 very hard to find that.

12 Q. And how were you able -- and this was -- did
13 you go to a business called Farm Fresh in East
14 Alton? Is that where your machine was at?

15 A. Yeah, yes.

16 Q. How did you find that there was a machine at
17 the Farm Fresh in East Alton?

18 A. It took several times because at the point
19 where I was to find this, you could give me a way
20 to drive, but at the beginning, there was enough
21 various things that did not show where you even had
22 to start, and so it took me a very long drive the
23 first two times and finally managed to find the
24 right road to go, so that wasn't perfect the first
25 time. I could go in. I could try to get out to

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1 find it, and I had to turn around, go ahead, try to
2 figure out everything and eventually found it.

3 Q. But the actual machine, you found that because
4 Timothy told you where to go on the phone, right?

5 A. Yes.

6 Q. Okay. And did he also send you that address of
7 telling you where to go?

8 A. Yes.

9 Q. All right. Did he ask you where your bank
10 accounts were held?

11 A. Well, yes.

12 Q. And did you tell him where your bank -- your
13 money was in the bank?

14 A. Yes.

15 Q. And so when he told you you had to take money
16 out of the bank, did you do what he said and go to
17 the bank to withdraw money?

18 A. Yes.

19 Q. Now, tell us, were you on the phone, literally,
20 with this Agent Timothy while you're inside the
21 bank?

22 A. Well, yes, I was looking for things to do that,
23 and the first time, obviously, I had collected
24 money from banks.

25 Q. And he kept you on the phone, actually, while

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1 you were inside the bank, right?

2 A. Yes, especially the first time.

3 Q. And that was to make sure you actually withdrew
4 your money?

5 A. Yes.

6 Q. All right. And so how many times -- or do you
7 remember withdrawing money more than once from the
8 bank?

9 A. Yes.

10 Q. Do you think you took money out of your bank
11 maybe about five times?

12 A. Yes.

13 Q. All right. And at the time you were banking at
14 Busey Bank; is that correct?

15 A. Yes.

16 Q. And do you remember changing banks in the
17 middle of all -- in the middle of all of this?

18 A. A lot of that I did use different ones because
19 there were some that I really didn't understand
20 that were willing to give me that much money to do
21 that, and so there was some talking to things and
22 collecting my own money in order to do things.

23 Q. Okay. So when you were at Busey Bank, you
24 would withdraw, you know, 10, 12 and \$15,000 at a
25 time; is that right?

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1 A. Yes.

2 Q. Okay. And when you were doing that, talking to
3 the teller to get that cash, you were actually on
4 the phone with Timothy when you were doing that; is
5 that right?

6 A. Yes, I did.

7 Q. And do you remember the tellers talking to you
8 or questioning you about what you're doing?

9 A. Not -- not as much. I eventually figured out I
10 didn't have to listen to him. I had already
11 figured out how to do my own.

12 Q. Okay. I know you kind of figured that out a
13 little bit later, but before we get to that, was
14 Timothy unhappy with the way the tellers were
15 asking you questions?

16 A. Yes.

17 Q. Tell us about that.

18 A. I was supposed to be able to figure everything
19 out just by what he was talking about, and I could
20 not always do that because he was arguing one way
21 and I was looking at all the things I needed to put
22 in there, and so it was partly what I was doing
23 also.

24 Q. Okay. And so did you wind up taking all of
25 your money out of Busey Bank and putting it into

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1 Chase Bank?

2 A. Not all of the money, but --

3 Q. Okay. And then did you later change from Chase
4 Bank to U.S. Bank kind of all in this short period
5 of time?

6 A. Yes.

7 Q. Okay. And a lot of that was because Timothy
8 was unhappy with the questions you were getting?

9 A. Yes.

10 Q. Okay. When all of this was going on, do you
11 think you took out money to put into the Bitcoin
12 machine about five different times? That's your
13 best guess?

14 A. Yes.

15 Q. All right. And do you have a daughter?

16 A. Yeah.

17 Q. And what's her name?

18 A. What?

19 Q. What's your daughter's name?

20 A. Beth.

21 Q. Beth, okay. And Beth is sitting right outside
22 for you, right?

23 A. Yes.

24 Q. Okay. Did you tell Beth what was happening,
25 that this government agent was telling you that you

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1 owed money and you had to pay money and was sending
2 you to the bank? Did you tell Beth about this?

3 A. By the time I talked to her about it,
4 obviously, she was unhappy.

5 Q. I bet.

6 A. And she got asked to see if this was a proper
7 way to do things.

8 MR. WEINHOEFT: Okay. And if we could
9 display Government 65, page 2, first full
10 paragraph.

11 BY MR. WEINHOEFT:

12 Q. And in that letter you got that you thought
13 that came from the government, did it tell you that
14 if you disclose this matter to any person it will
15 directly or indirectly make them, an innocent
16 person, a part of the investigation and the
17 government agencies will have to start an
18 investigation on them too? Did you get a letter
19 telling you that?

20 A. I don't recall getting a letter like that. It
21 was talk -- it was mainly talking to my daughter.

22 Q. Well, before you told Beth about what was
23 happening -- you didn't tell her for quite a while,
24 right?

25 A. That's right.

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1 Q. Okay. And is that because you were told not to
2 tell anyone?

3 A. Yeah.

4 Q. Okay. And tell us about -- tell us about that,
5 how you were told not to tell anyone?

6 A. Yes, and --

7 Q. Did he tell you that by phone, by text, by
8 message, by conversation? Just the best you can do
9 for us.

10 A. Yes.

11 Q. Mostly by conversation?

12 A. Yeah.

13 Q. All right. Let's get to -- at some point you
14 kind of started to figure out there was a problem,
15 right?

16 A. Yes.

17 Q. And you decided you didn't want to give them
18 any more money into the Bitcoin; is that correct?

19 A. That's correct.

20 Q. All right.

21 A. And this was also done by when I was there,
22 someone told me that it wouldn't come back to me,
23 that I -- and all of that was the fact that I had
24 to put how much it was in and things like that.

25 Q. Okay. So when you started -- you started

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1 thinking, You know what, I want to be done with
2 this, and I don't want to put any more money in
3 into that machine, how did you try to start -- you
4 know, trying to tell this Agent Timothy no?
5 A. That was mainly when I was so angry that when I
6 got there, I knew where it was, I knew things, and
7 I said I'm done with this, and so I had never gone
8 in and done that. I would park outside. I would
9 sit there for a while, as long as I felt I could,
10 and then just left.

11 Q. Okay. So did you start making excuses to him
12 for why you couldn't send him any more money
13 through Bitcoin?

14 A. No.

15 Q. And did Agent Timothy just say okay and go
16 away, or did he keep pestering you for more
17 money?

18 A. He probably felt that he had done -- that I had
19 given him enough money for everything he had asked
20 for from his documents.

21 Q. Okay. Well -- before we get towards the end,
22 there was a time where you were telling him you
23 were done with Bitcoin?

24 A. Yes.

25 Q. And so tell us about some of the excuses -- you

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1 made some excuses to him for why you couldn't keep
2 sending Bitcoin, right?

3 A. Yes.

4 Q. Tell us about some of the excuses you gave him.

5 A. In part, it was that I had already given all of
6 the money that he had first asked for and then
7 finally said that I couldn't do that anymore and
8 that should be it.

9 Q. And so after that, did he then tell you if you
10 can't send it through Bitcoin, I can send somebody
11 to your house to pick it up?

12 A. Unfortunately, yes.

13 Q. All right.

14 A. And I did that also.

15 Q. Okay. So let's talk about the first time
16 somebody came to your house to pick up money from
17 you. Did you go to the bank to get money out?

18 A. Yes.

19 Q. And did you take out, I believe it was,
20 \$51,900?

21 A. Yeah.

22 Q. Okay. And why did you take that much money out
23 of the bank?

24 A. I had to. That was the only place I had the
25 money.

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1 Q. And he told you you had to do this, correct?

2 A. Yeah.

3 Q. And so tell us about how it was that -- when
4 you took the money out of the bank, tell us about
5 how you had to communicate with this Agent Timothy
6 before the pickup happened.

7 A. Yes. He had said I had to give the money he
8 wanted, and I could do this in my room, and then
9 all of that was put in for the amount that he said
10 he had to have.

11 Q. Okay. And how were you supposed to package it
12 up?

13 A. Well, you put it in, you told how much money
14 was in there, and I could then also take pictures
15 of it so it was seen, and then --

16 Q. I'm sorry to interrupt you, Virginia. But you
17 said you took pictures of that money; is that
18 right?

19 A. I could.

20 Q. And did you have to send those pictures to
21 Agent Timothy after you took the money out of the
22 bank?

23 A. Of course. Otherwise, he wouldn't know what I
24 was doing, and this was required, so --

25 Q. Okay. And so, you know, taking your attention

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1 to April 10th, is that when -- of 2023, is that
2 when you took that large -- that \$51,900, took
3 pictures of it and sent those pictures to Agent
4 Timothy?

5 A. Yes, I did.

6 Q. And did he tell you how someone was going to
7 come and pick up that money from you?

8 A. Yes.

9 Q. What did he say?

10 A. The thing I had to do there was the money was
11 put in a box, and it would be then covered up, and
12 there were other things that were on it so that it
13 was covered up and in a box, and that was then
14 again -- had -- was not just put there, but I had
15 to seal it away and everything so that I could
16 carry it out when he came in front of my house.

17 Q. What did he tell you about the person that
18 would be coming to pick up your money?

19 A. Just that they would come, and they could come
20 not at a particular hour, but they would wait and
21 just pick it up when they wanted to, and then the
22 whole box was with them, and I was not to see that
23 again.

24 Q. And how often during this time frame after
25 you've sent him that picture, before that money got

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1 picked up, how frequently were you talking and how
2 much were you on the phone with this Agent
3 Timothy?

4 A. I had to be fairly honest with what I was
5 doing, and so everything in there could be things
6 such as just putting another paper or something so
7 it just looked like sort of a box and that had to
8 look very much the same.

9 Q. Did he keep you on the phone that day while you
10 were waiting for the person to come pick up your
11 money?

12 A. Of course.

13 Q. And were you talking to him the whole time or
14 was sometimes the phone left with the line open?

15 A. It was the line could be open on some of that.
16 The time that the -- a car would come in to pick it
17 up, I could have to wait until they had a car there
18 that was back, would come up, and then simply pick
19 up the box and drive away.

20 Q. Okay. Let's talk about that. Did Agent
21 Timothy tell you what type of car was going to come
22 and pick up your money?

23 A. He never said which kind of car would come, and
24 every time they came, it appeared to be a different
25 car.

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1 Q. Okay. This pickup of the 51,900, do you
2 remember the color of the car that they sent to you
3 that day?

4 A. I don't remember that, but it was different
5 than any of the others that came, and only one time
6 do I recall that there were two people in the car
7 when they picked it up.

8 Q. Okay. Was that on the first pickup or is that
9 on the one that we're talking about right now, the
10 51,900?

11 A. I think it was -- well, it had to be the second
12 time that someone picked it up. The car was not
13 the same, but two people were in there, and only
14 one did I hear slightly, and they picked it up and
15 took it home.

16 Q. Okay. And was -- and so do you think that was
17 the first time or do you think maybe that was the
18 second time?

19 A. It was the second time.

20 Q. Okay. Tell us about what happened the first
21 time you remember somebody picking it up then.

22 A. Yes, that there was no conversation. Simply
23 stopped and I could walk up to them in the -- and
24 hand it to them and they drove off.

25 Q. Okay. Do you remember what type of car either

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1 of them were?

2 A. I don't recall any of the cars being exactly
3 the same.

4 Q. Okay. Do you remember the color of the cars?

5 A. They were various cars, colors, and so I could
6 tell that they -- you know, were waiting or coming
7 to do that, but they were all different and not
8 really big cars or anything but different colors,
9 different things, and I could just stand around and
10 wait until they came.

11 Q. Okay. So you remember giving someone money on
12 two different occasions that came to make pickups
13 for Agent Timothy?

14 A. Yeah.

15 Q. Okay. So after -- do you remember -- I know
16 there was \$51,900 involved in the second one. How
17 much money do you think you remember being given on
18 the first one?

19 A. Almost the same but not quite possibly.

20 Q. Not sure?

21 A. But all I could do to say how much money was in
22 there was to take pictures of all of the money that
23 was there that I then put in the box.

24 Q. Okay. So now at this point they've sent you to
25 the Bitcoin machine five times and you've had money

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1 picked up at your house twice? That's your
2 recollection?

3 A. That was the first two, yes.

4 Q. Okay. So I want to take your attention -- now
5 we're going to move up to April 20th. Do you
6 remember a day when your daughter Beth figures out
7 what's happening to you?

8 A. Yes.

9 Q. All right. Were you on the phone with Timothy
10 on April 20th when your daughter Beth -- thank you.
11 Why don't you go ahead and take a little break. Do
12 you want a drink?

13 A. Sure.

14 Q. That's awesome. I'll do the same.

15 THE COURT: I got stuff a little stronger
16 if you need it.

17 BY MR. WEINHOEFT:

18 Q. Probably wouldn't hurt, would it?

19 A. No.

20 So at that point we were at -- trying to
21 keep the money to me and things like that.

22 Q. Okay. Well, let's talk about how Beth figured
23 out what was happening to you, okay?

24 A. Yes. She had made -- telephone with exactly
25 what I was doing and told me how bad it was that I

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1 was doing that.

2 Q. Okay. Well, before we get into her getting a
3 little upset with you, let's talk about how she
4 first kind of figured it out, right?

5 Did she have trouble getting a hold of you
6 one day and just kind of showed up at your house?

7 A. Yes.

8 Q. And were you on the phone with Agent Timothy
9 when she got there?

10 A. Yes, but she was also talking to other
11 people.

12 Q. Right. But this was the first time you
13 started -- and you told Beth then you had been
14 given some money and that you owed this money and
15 you had to pay this money and kind of gave her an
16 explanation of what you've told us here today? Is
17 that about -- is that pretty fair?

18 A. Yeah.

19 Q. Okay. So what did Beth do with you then?

20 A. Well, there are police people --

21 Q. Well, before we get to the police. You thought
22 you had to go to the bank that day, right?

23 A. Yes.

24 Q. Because they were still trying to get more
25 money from you; is that right?

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1 A. Yes.

2 Q. So did Beth offer to take you to the bank, and
3 this is where you're kind of having this
4 conversation on the way to the bank?

5 A. Yes.

6 Q. And after you get done at the bank and Beth
7 kind of figures out what's going on here, then
8 where does Beth take you?

9 A. To better understanding of what I -- I should
10 have done, and she did also talk to police
11 people.

12 Q. Okay. She took you to the Edwardsville Police
13 Department, right?

14 A. Yes.

15 Q. Because when she took you to the bank that day,
16 that was to withdraw 35,000 more dollars, right?

17 A. Yes.

18 Q. And that's because Agent Timothy was still
19 trying to pick up more money from you?

20 A. Yes.

21 Q. All right. What did you talk about -- did you
22 tell the police when Timothy was sending his
23 courier to come make his pickup?

24 A. Yes.

25 Q. When was that supposed to happen?

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1 A. Well, that again was sort of waiting for it to
2 be picked up and things like that, but we -- I did
3 go to a bank just for the most I had to do for -- I
4 think, the first time and the second time was I had
5 to talk to her and maybe I didn't put quite enough
6 money in that -- in the second one.

7 Q. Okay. But after Beth took you to the police
8 department, did you agree to help the police catch
9 the person that was coming to pick up and take your
10 money that day?

11 A. Of course.

12 MR. WEINHOEFT: Okay. If I can have a
13 moment, Your Honor.

14 Judge, that's all I really have for this
15 witness. Thank you.

16 **CROSS-EXAMINATION**

17 BY MS. FRETER:

18 Q. Ma'am, can you tell the jury what the Timothy
19 voice sounded like? What did it sound like to
20 you?

21 A. What?

22 Q. Timothy's voice, what did it sound like to
23 you?

24 A. Well, he talked a great deal, and I pretty much
25 questioned exactly where he was, what he was doing

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1 and almost understood from the voice that I had
2 heard him when he was talking just about himself
3 and all the other things, and so I became quite
4 angry with what I had been pushed through, and
5 pretty much at that point the places that I had
6 picked up money, I would pick them up but never
7 again. Everything was cut off, and that was the
8 way I felt I had to be, and that's the way the
9 police also thought it was the best way to be at
10 that point, so I had a little help in saying no.

11 Q. Did Timothy's voice have an accent?

12 A. Well, he just really said that it was still
13 what I should be doing, but I could at times,
14 rather than putting all of the money in, maybe say,
15 Oh, I forgot, and that went away. Now, my daughter
16 did not say that. That was in my voice going on
17 and doing it, so I was still responsible for what
18 was happening.

19 MS. FRETER: Thank you so much.

20 THE COURT: Are you done?

21 MS. FRETER: Yes, Your Honor.

22 MR. WEINHOFET: We're all done.

23 THE COURT: Thank you, Virginia.

24 MR. WEINHOFET: You're all done. Nice and
25 easy. Come down here, and you're all done.

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1 Is it okay if she stays in here, Judge?

2 THE COURT: She may remain. Are you

3 calling the daughter next?

4 MR. REED: Yes.

5 MR. WEINHOEFT: Your Honor, the Government
6 calls Beth Surmeier.

7 COURTROOM DEPUTY: Please raise your right
8 hand.

9 (Witness sworn.)

10 COURTROOM DEPUTY: Please state your full
11 name and spell your last name for the court
12 reporter.

13 THE WITNESS: Elizabeth Surmeier,
14 S-u-r-m-e-i-e-r.

15 COURTROOM DEPUTY: Thank you so much.

16 **ELIZABETH SURMEIER, GOVERNMENT'S WITNESS,**

17 **DIRECT EXAMINATION**

18 BY MR. WEINHOEFT:

19 Q. All right. If I could ask you to scoot up and
20 speak into the microphone because our acoustics
21 aren't great in this room.

22 A. Okay.

23 Q. So just as close as you can get to there is
24 probably helpful for us.

25 If you could introduce yourself to the

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1 members of the jury here and tell them how you're
2 related to Virginia Bryan.

3 A. I'm Beth Surmeier. I am her daughter.

4 Q. If you would, maybe take us through a little
5 bit of your family history, both -- a little bit
6 about your mom's background and about your own.
7 Could you tell us a little bit about, first of all,
8 you know, where you were little, where you grew up,
9 those sorts of things.

10 A. I mainly grew up in Ohio, Connecticut and
11 Illinois. My mother got the job here when I was
12 entering high school, has been at SIU for a number
13 of years. She was in the department of chemistry,
14 started the Office of Science and Mathematics
15 Education, or OSME.

16 Q. She was a professor; is that correct?

17 A. Yes.

18 Q. How long was -- and that was at SIU
19 Edwardsville?

20 A. Uh-huh.

21 Q. How long was she a professor at SIU
22 Edwardsville?

23 A. Decades, it seemed. A long time. She started
24 there in, I believe, '85.

25 Q. And she taught chemistry?

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1 A. Yes.

2 Q. And she was actually the chair of the physics
3 department as well --

4 A. Yes.

5 Q. -- for a time, wasn't she?

6 A. Yes.

7 Q. So she had a nice, long career at SIU.

8 Can you tell us a little bit about her
9 educational background.

10 A. She went to Teachers College at CO. Got her
11 doctorate from the University of Minnesota.

12 Q. Okay. And how about yourself. Where do you
13 work?

14 A. I work for Meridian Village in their memory
15 support division.

16 Q. What do you do for Meridian Village?

17 A. I'm an office assistant.

18 Q. Are you married?

19 A. Yes.

20 Q. And where do you live in relationship to your
21 mom?

22 A. I live in O'Fallon.

23 Q. Okay. And back at -- during the time when this
24 was happening, where was Mom living?

25 A. She was in Edwardsville.

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1 Q. Okay. And at that time was she independent,
2 living independently?

3 A. Yes.

4 Q. And at that time was she still kind of managing
5 her own finances and that sort of thing?

6 A. Yes.

7 Q. All right. If you could, could you talk to us
8 about -- her husband passed away --

9 A. Yes.

10 Q. -- is that right?

11 First of all, tell us his name.

12 A. His name was Jim Eilers.

13 Q. Okay. And how long was your mom married to Jim
14 Eilers?

15 A. Oh, 17 years, I think, when he passed.

16 Q. He was also a professor at SIU, wasn't he?

17 A. Yes.

18 Q. So when he passed, did she inherit money
19 from -- and was there an estate involved where she
20 wound up receiving a distribution of money?

21 A. Some. The estate was a bit of a mess. Will
22 had not been updated for probably 20 years.

23 Q. Okay.

24 A. And it took a while to settle.

25 Q. And so when did you say he passed?

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1 A. Beginning of the pandemic.

2 Q. So March of 2020?

3 A. That sounds right.

4 Q. And about how long does it take to settle that
5 estate?

6 A. About a year and a half.

7 Q. And what -- when Virginia received money from
8 that, do you know what she did with that money?

9 A. I believe she put most of it in the bank. Some
10 of it went to a scholarship at SIU.

11 Q. And where was she banking at the time?

12 A. I'm sorry. I didn't hear.

13 Q. Sure. Where was she banking at the time?

14 A. Busey Bank.

15 Q. And back at this time, would you say your mom's
16 memory was better --

17 A. Yes.

18 Q. -- than -- have you seen a change in her
19 condition really since this time?

20 A. I'm so sorry.

21 Q. It's okay. You see a kind of -- this kind of
22 precipitated? You can see a decline --

23 A. Yes.

24 Q. -- in her cognitive functioning?

25 A. Uh-huh, yes.

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1 Q. All right. Did you know anything about her
2 being contacted by someone posing as a federal
3 agent?

4 A. No.

5 Q. Tell the members of the jury, if you will, how
6 it is that you first learned about the scam with --
7 that she was subjected to.

8 A. I had been having some trouble reaching my
9 mother via the phone or her cell phone so wound up
10 going over to her house.

11 Q. What do you mean you were having some
12 trouble?

13 A. I mean both lines were continually busy.

14 Q. And when you say "both lines," how many phone
15 lines did Virginia have?

16 A. Two. She had a home phone and a cell phone.

17 Q. And so was -- were you -- give us an idea of
18 how often at this time -- and, again, we're back
19 in, you know, the April of 2023. About how often
20 you were seeing Mom, how often you were
21 communicating with Mom, those sorts of things?

22 A. I was visiting my mother once, twice a week.
23 Communicating with her almost daily when I could
24 get through.

25 Q. Okay. And so you noticed it was starting to

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1 get increasingly difficult to reach her? Is that
2 basically what you said?

3 A. Yes.

4 Q. And so when you couldn't reach her on both the
5 landline and the cell phone line, was that
6 unusual?

7 A. Yes.

8 Q. Tell us why.

9 A. Usually one line you could either leave a
10 message or -- and she would call back or, you know,
11 if she was out of the house, it wasn't uncommon
12 that, Oh, I was out doing something. I'll call you
13 back. Call back as soon as she got in the house.
14 But the fact that I couldn't leave messages, that
15 both phones seemed to be off the hook was
16 concerning.

17 Q. So what did you do?

18 A. I went over.

19 Q. And this was April 20th of 2023; is that
20 right?

21 A. Yes.

22 Q. All right. And did she have to let you in, or
23 did you have your own key?

24 A. I have my own key.

25 Q. Okay. Did you let yourself in?

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1 A. Yes.

2 Q. Tell us what you found when you walked inside.

3 A. Well, cell phone was with my mom. Home phone
4 was off the hook still. I hung it up and put it
5 back on the charger. And Mom came in shortly
6 thereafter. She was flustered, turned off her cell
7 phone, and she said she needed to go to the bank.

8 Q. So at this point you don't have any idea that
9 anything is going on yet; is that right?

10 A. No.

11 Q. All right. So just Mom said she needs to go to
12 the bank, so you're going to run her to the bank?

13 A. Yep.

14 Q. Where does she bank?

15 A. She was headed to U.S. Bank which was not a
16 bank that I was familiar with, so she had to give
17 me directions.

18 Q. Okay. So that's the first red flag for you.
19 All of the sudden there's a new bank that you
20 didn't know about?

21 A. Yes.

22 Q. All right. And where had she previously
23 banked?

24 A. Busey was the only bank that I knew of.

25 Q. And were you on that account as well?

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1 A. I think so at that time.

2 Q. And so now Mom asked you to take her to a new
3 bank?

4 A. Right.

5 Q. And so kind of scratch your head a little bit,
6 she gives you directions and you go; is that
7 correct?

8 A. Uh-huh.

9 Q. All right. So tell us what happens when you go
10 to the bank.

11 A. She said she needed to withdraw money, she took
12 the cell phone with her, and she was on the phone
13 when she walked into the bank.

14 Q. Okay.

15 A. So --

16 Q. Did she tell you how much money she had to
17 withdraw or anything like that yet?

18 A. No. She told me afterwards.

19 Q. All right. And so tell us about that.

20 A. When she came out of the bank with a lot of
21 cash, I turned her cell phone off, drove home and
22 asked her what was going on, and she had said she
23 had received phone calls and some letters that she
24 owed money to the Government.

25 Q. So first of all, let's put that in a little bit

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1 of context because did that raise big alarm bells
2 immediately?

3 A. Yes. That's when I wanted to see the letters,
4 and then I wanted to take her to the police.

5 Q. Okay. So did you -- did you receive the
6 letters and see the letters that she had gotten?

7 A. She showed me a couple letters. I looked at
8 them. I went upstairs, looked online to see if, A,
9 the government office actually existed and, B, if
10 this person was employed by them; and when I
11 couldn't find his name anywhere, we went to the
12 police station.

13 Q. If I can direct your attention to Exhibit 65
14 that's already been admitted, can you see that on
15 your screen?

16 A. Yes.

17 MR. WEINHOEFT: And Sandra, if we can
18 scroll through those.

19 BY MR. WEINHOEFT:

20 Q. And are these the letters that your mom showed
21 you that she had received?

22 A. Yes.

23 Q. All right. Do you remember how much cash you
24 saw that your mom had withdrawn that day?

25 A. I think it was 30 or 40,000. It was a lot of

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1 money.

2 Q. If you can make sure you speak into that.

3 A. Sorry. It was 30 or 40,000. It was a lot of
4 money.

5 Q. And so you took her pretty much straight away
6 over to the police department in Edwardsville; is
7 that correct?

8 A. Yes.

9 Q. All right. As you were on your way over there
10 or as you were at home, along this process, did she
11 ever turn her phone back on?

12 A. The phone was on. There were calls.

13 Q. Were you able to hear those calls?

14 A. I was able to hear a little bit of it. She had
15 hearing aids at the time, so a lot of it went
16 straight to Bluetooth but --

17 Q. You were still able to hear some of the
18 conversation?

19 A. A little bit, yeah.

20 Q. What were you able to hear?

21 A. Instructions mainly, that, No, we need to do
22 the pickup, we need to do this, we need to do X,
23 and yeah, I was not happy.

24 Q. All right. And did you ask your mom what she
25 was going to be doing with this 30 or \$40,000 she

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1 just withdraw?

2 A. Yeah, she said she had been doing Bitcoin,
3 wasn't comfortable with Bitcoin, so they were just
4 going to pick it up.

5 Q. And did -- were there any photographs taken or
6 anything like that at this point yet?

7 A. No.

8 Q. All right. So you take her to the police. Do
9 you remember roughly what time you got there?

10 A. No.

11 Q. Okay.

12 A. It was in the morning, but I don't remember the
13 time.

14 Q. That's fine. That's fine.

15 THE COURT: Ma'am, you're really going to
16 have to speak up. I know you want to help your
17 mom; but if we can't hear what you're saying, we
18 don't know what your testimony is. I want you to
19 speak loud enough so that you're convinced that
20 these ladies in the back of the courtroom can hear
21 you, and that's as to every answer. I know you're
22 soft-spoken, but what happens is your words are
23 starting to tail off, and it's very important that
24 I make sure that every word you speak gets on the
25 record. Okay?

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1 THE WITNESS: Okay.

2 THE COURT: Thank you.

3 BY MR. WEINHOFET:

4 Q. So you went to the Edwardsville Police
5 Department?

6 A. Yes.

7 Q. And do you remember who you spoke with?

8 A. I don't remember his name.

9 Q. Police officer though?

10 A. Yes.

11 Q. And you made a report?

12 A. Yes.

13 Q. While you were down there talking with the
14 police, did your mom receive any more phone calls
15 from this Agent Timothy?

16 A. Yes.

17 Q. Okay. Was that put to speakerphone?

18 A. Yes.

19 Q. And could you hear it?

20 A. Yes.

21 Q. Describe, if you will, for the members of the
22 jury, what you were able to hear.

23 A. He was trying to set up some sort of pickup for
24 the cash.

25 Q. And was this on -- this was on speaker then,

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1 correct?

2 A. Yes.

3 Q. And were you able to hear the person's voice?

4 A. Yes.

5 Q. How would you characterize his voice?

6 A. Foreign.

7 Q. I'm sorry?

8 A. Foreign.

9 Q. Foreign. What type of accent would you
10 describe it as?

11 A. I would have said Indian.

12 Q. Were you able to hear any type of background
13 noise?

14 A. There seemed to be a lot of people on phones.
15 More call-center-type than just an office-type
16 background.

17 Q. Okay. And what was the subject of -- what was
18 Timothy, the person, asking to do when he called?

19 A. He had asked her to take photos of the money,
20 to make sure that it was in a box, that the box was
21 sealed, and they were setting up a time.

22 Q. And they wanted to pick it up that day; is that
23 right?

24 A. Correct.

25 Q. And so did you and your mom agree to work with

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1 the police to participate in this sting to arrest
2 the driver that was coming to make the pickup?

3 A. Yes.

4 Q. So tell us about that. How did the agents ask
5 you about your willingness to participate and how
6 that decision was made?

7 A. They asked if they could be there for it, if
8 they could be in the house to wait, and if they
9 could use some of the money that she withdrew as a
10 way of tracking it, you know, put a tracker in with
11 the money, and use that as part of the sting.

12 Q. So they put a -- they put a GPS tracker in a
13 box with a little portion of the money --

14 A. Yes.

15 Q. -- to go out and to deliver to the courier to
16 make sure they could track it and keep it safe if
17 something happened with the sting? Is that your
18 understanding?

19 A. Correct.

20 Q. All right. So talk to us about what happened
21 throughout the course of that day as you were
22 preparing and waiting for the courier to arrive to
23 make the pickup.

24 A. The money was photographed, I believe, on a
25 piece of cloth so that they could see the

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1 denominations and what was coming. At one point
2 while the money was being packaged with trackers,
3 Mom was asked to either take a picture of herself,
4 or some sort of selfie, so that they would be able
5 to identify her. She was asked if there were
6 vehicles in the driveway, what the house looked
7 like, things like that.

8 Q. And so all that information was provided
9 back?

10 A. Yes.

11 Q. All right. And so tell us about -- this was,
12 you said, morning time when you first made the
13 report. Probably closing in on lunchtime --

14 A. Right.

15 Q. -- by the time you're wrapping this up? Is
16 that fair to say?

17 A. Yes.

18 Q. Approximately when was the pickup supposed to
19 happen?

20 A. It was supposed to happen at five. It kept
21 getting pushed back. First half an hour at a time,
22 and then he'll be by later.

23 Q. Describe how frequent the communication was
24 throughout the course of the day from the time
25 the -- that you're first packaging up money until

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1 when this courier is supposed to show up.

2 A. Almost continuously. We'd hang up the phone,
3 and then there be would another phone call 15
4 minutes, half an hour later. You very much wanted
5 just to stay on the line, and well, they insisted
6 on hanging up.

7 Q. Do you remember -- at some point did an
8 individual arrive to pick up the money?

9 A. Yes.

10 Q. Where were you at while that happened?

11 A. I was in the den.

12 Q. In the den?

13 A. Uh-huh.

14 Q. And how about your mom, where was your mom?

15 A. Mom was in the kitchen with the police.

16 Q. Okay. And so what was the plan for when the
17 individual arrived to pick up the package?

18 A. Mom was to head out the front door, walk the
19 box up to the car, place the box in the car and
20 return.

21 Q. Okay. And police officer hiding in the bushes
22 to keep her safe and the whole bit?

23 A. Yes.

24 Q. All right. So tell us what happened when the
25 -- at some point, you said, the vehicle arrived to

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1 pick up the money?

2 A. Yes.

3 Q. All right. Tell us what happened.

4 A. The police were in position. They were
5 watching the vehicle. The vehicle -- because she
6 lived on a dead-end street -- drove up the street,
7 turned around, came back. Mom got the phone call
8 to take the box out. She went out the front door,
9 took the box up, put it in the car, turned around,
10 started walking back, the car started to drive
11 away, and apparently, she was grabbed and returned
12 to the house.

13 Q. Meaning the police made sure she was safe?

14 A. Yes.

15 Q. And then they stopped the vehicle; is that
16 right?

17 A. Uh-huh.

18 Q. Okay. This is -- all of this happens in one
19 day for you?

20 A. Yes.

21 Q. All right. So it's a big day?

22 A. Yes.

23 Q. Lot to process?

24 A. Yes.

25 Q. All right. After the arrest happens and now

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1 you're trying to unwind everything that your mom's
2 been through, what did you do to go through to try
3 to assess the damage, if you will, to find out just
4 how badly she had been defrauded?

5 A. Went through the bank records and started to
6 switch banks, the process of at least figuring out
7 where the money went and how much and to whom.

8 MR. WEINHOEFT: All right. And now if we
9 can show the witness first Exhibit 61.

10 BY MR. WEINHOEFT:

11 Q. Let me know when you can see that. If we can
12 scroll through those, do you recognize those?

13 A. Yes.

14 Q. What do you recognize those to be?

15 THE COURT: Is there going to be an
16 objection to this?

17 MS. FRETER: No, Your Honor.

18 THE COURT: All right. Let's not go
19 through --

20 MR. WEINHOEFT: Perfect. Motion to admit
21 Exhibits 61, 62, 63, bank records from Chase,
22 Busey, and U.S. Bank.

23 MS. FRETER: No objection.

24 THE COURT: They will be admitted without
25 objection, and you may publish them now.

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1 (Government's Exhibit Nos. 61 through 63
2 were received in evidence.)

3 MR. WEINHOEFT: Actually, I'm going to
4 make this easier on you, Your Honor. Can you show
5 the witness Exhibit 74.

6 BY MR. WEINHOEFT:

7 Q. Prior to coming to Court today, did we prepare
8 a summary chart so that we could go through the
9 losses to your mom and all of these voluminous
10 records more conveniently?

11 A. Yes.

12 MR. WEINHOEFT: Your Honor, I'd move for
13 the admission of Exhibit 74 under Federal Rule
14 1006.

15 MS. FRETER: No objection.

16 THE COURT: Be admitted.

17 (Government's Exhibit No. 74 was received
18 in evidence.)

19 THE COURT: You may publish.

20 BY MR. WEINHOEFT:

21 Q. So after examining all of the bank records,
22 account statements, check images, deposit slips,
23 all of this, is this an accurate assessment of what
24 happened with your mom's money?

25 A. Yes.

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1 Q. So let's take this through first. Did you find
2 that she had made a Bitcoin deposit on March the
3 21st in the amount of \$14,900, and that there was a
4 corresponding withdrawal from Busey Bank for
5 \$15,000 the day before?

6 A. Yes.

7 Q. Taking you to the next day, March 22nd, did you
8 find a second Bitcoin ATM transaction where she
9 sent \$10,000 that she had withdrawn from Busey Bank
10 on that same morning?

11 A. Yes.

12 Q. Taking you to March 23rd, do you find she had
13 withdrawn -- or rather, purchased \$12,000 of
14 Bitcoin, and that was made up from two withdrawals:
15 one on March the 21st, the second one on March the
16 23rd; 10,000 and \$2,000, respectively?

17 A. Yes.

18 Q. The following day, March 24th, did you find
19 that she had made a \$10,000 ATM transaction -- or
20 Bitcoin ATM, purchase of Bitcoin, where she had
21 withdrawn all \$10,000 from Busey Bank also on the
22 same day that the Bitcoin was purchased?

23 A. Yes.

24 Q. All right. On March 24th did she change banks
25 from Busey Bank to Chase Bank where she transferred

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1 \$90,000 out of Busey and deposited it into Chase?

2 A. Yes.

3 Q. Okay. A little over a week later did you
4 find -- on April 4th did you find a funds transfer
5 where that \$90,000 was withdrawn from Chase, and
6 60,000 was then deposited into a U.S. Bank account
7 but 30,000 was withdrawn in cash?

8 A. Yes.

9 Q. All right. Moving forward three days to April
10 the 7th, did you find a Bitcoin ATM purchase for
11 \$3,100 of Bitcoin purchased using a portion of the
12 cash withdrawn on April the 4th?

13 A. Yes.

14 Q. Directing your attention to April the 10th, did
15 you find a cash pickup where \$51,900 was picked up,
16 which came from a \$10,000 withdrawal on April the
17 10th, a \$15,000 check that had been written to cash
18 at Busey Bank on April 10th, and then \$26,900,
19 which was the remainder of the \$30,000 cash
20 withdraw that was made on April the 4th?

21 A. Yes.

22 Q. Okay. Directing your attention to April the
23 12th, that \$60,000 cashier's check that had been
24 withdrawn from Chase Bank, did you find it had been
25 deposited at U.S. Bank?

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1 A. Yes.

2 Q. And then that was the source of funds that was
3 used on April 20th when your mom withdrew \$35,000
4 of cash for when they were attempting to pick up
5 that day; is that correct?

6 A. Correct.

7 Q. Total loss to your mom was \$101,900?

8 A. Yes.

9 MR. WEINHOFET: That's all I have, Your
10 Honor.

11 THE COURT: Cross?

12 **CROSS-EXAMINATION**

13 BY MS. FRETER:

14 Q. When you were with your mom at the police
15 department, they put the phone on speakerphone; is
16 that right?

17 A. Yes.

18 Q. And you were able to listen to the person on
19 the phone that your mom knew as Timothy give
20 instructions?

21 A. Yes.

22 Q. And how would you describe that voice? You
23 said there was an accent to it?

24 A. There was an accent, and honestly, because I've
25 dealt with call centers, it honestly sounded like

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1 any other call center.

2 Q. And when you say "call center," you mean like
3 there's kind of noiseish in the background?

4 A. In the background, lots of talking going on.

5 Q. And the background talking, you can't really
6 sort of hear what they're saying, but you can hear
7 that there's people talking?

8 A. Right, uh-huh.

9 Q. And the Timothy voice, were they speaking
10 English?

11 A. Yes.

12 Q. And was it -- were you able to understand what
13 they were saying in English?

14 A. Yes.

15 Q. Would you describe the accent -- how would you
16 describe the accent? As thick or light? Anything
17 else like that?

18 A. It was a thicker accent. The English was
19 clear. The accent was pronounced, but obviously
20 somebody who spoke English and spoke it well.

21 Q. And do you have any information that your
22 mother, before the day that you took her to the
23 police, had she gone to the police before?

24 A. She told me she had started to go to the police
25 and fill out a report. She did not give me any

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1 details of that.

2 Q. The first day that you learn about anything is
3 in April, and you take her to the police station.
4 They do the sting. They arrest somebody. That's
5 all in one day for you?

6 A. Yes.

7 MS. FRETER: I don't have anything else.

8 THE COURT: Redirect?

9 MR. WEINHOFET: None, your Honor.

10 THE COURT: All right. We're going to
11 break for lunch, and we've got a lot of witnesses.
12 Is 45 minutes going to be enough time for lunch?
13 Is that going to be enough time for the parties, or
14 do you need an hour?

15 MR. WEINHOFET: We'll be fine.

16 THE COURT: All right. Let's break for --
17 we'll come back at 20 after 12:00.

18 Again, you're not to communicate with
19 anybody about this case, even amongst yourself, or
20 by cell phone, email, text messaging. You're not
21 to conduct any research about this case, about the
22 parties, about anything that you've heard, the
23 locations or the evidence.

24 If someone approaches you to try to talk
25 to you about this case, you should let me know at

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1 your first opportunity.

2 Finally, you're to keep an open mind until
3 you hear all the evidence that's been received, and
4 then you will be able to deliberate with your
5 fellow jurors. See you in 45 minutes.

6 (Lunch recess at 11:37 a.m. until
7 12:27 p.m.)

8 (Jury present.)

9 THE COURT: All right. Call your next
10 witness.

11 MR. WEINHOEFT: Thank you, Your Honor.
12 The Government calls Danny Allison.

13 COURTROOM DEPUTY:

14 (Witness sworn.)

15 COURTROOM DEPUTY: Please state your full
16 name and spell your last name for the Court.

17 THE WITNESS: Danny Allison, D-a-n-n-y
18 A-l-l-i-s-o-n.

19 COURTROOM DEPUTY: Thank you so much.
20 Have a seat.

21 **DANNY ALLISON, GOVERNMENT'S WITNESS,**

22 **DIRECT EXAMINATION**

23 BY MR. WEINHOEFT:

24 Q. Good afternoon, sir. If you could, please
25 introduce yourself to the members of the jury and

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1 tell them where you work.

2 A. My name is Danny Allison. I'm a detective
3 sergeant with the Caseyville Police Department.
4 I've been a police officer for about 12 years.

5 Q. All right. And, Danny, if I could -- if I
6 could ask you to move that microphone real close to
7 you. You can pull it, and it's a little easier for
8 everybody to hear as long as we're using the
9 microphone.

10 A. Okay.

11 Q. You're a detective sergeant; is that correct?

12 A. That's correct.

13 Q. All right. Tell us about how your law
14 enforcement career began.

15 A. It began in 2013. I was hired with the
16 Fairmont City Police Department. I worked there
17 part time for about four-and-a-half years, and then
18 I was hired at the Caseyville Police Department in
19 June of 2017, and I've been there ever since.

20 Q. All right. Tell us a little bit, first of all,
21 before we get much more into your career, about
22 your educational background.

23 A. I received an associate's degree from
24 Southwestern Illinois College in Belleville. After
25 that, I received a bachelor's degree from

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1 Lindenwood University in criminal justice, and then
2 I went on to get my master's degree from Lindenwood
3 University as well in criminal justice
4 administration.

5 Q. How long did you work for Fairmont City as a
6 police officer?

7 A. Approximately four-and-a-half years.

8 Q. Okay. And what did you do for Fairmont?

9 A. I was just the basic patrol officer during that
10 time period.

11 Q. When did you move to the Caseyville Police
12 Department?

13 A. In June of 2017 is when I got hired in
14 Caseyville.

15 Q. Okay. And tell us a little bit about the
16 nature of your duties with Caseyville.

17 A. Currently I'm a detective sergeant, so I
18 investigate cases that are -- every single felony
19 that comes through Caseyville comes through me and
20 my partner, so I just manage his caseload as well
21 as mine.

22 Q. Do you also have a specialization as a subject
23 matter expert on digital investigations and
24 cryptocurrency tracing for your department?

25 A. I do.

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1 Q. All right. Let's talk just a little bit about
2 that first. How did you get into being interested
3 in cyber investigations and digital forensics and
4 computer-related investigations?

5 A. I've always kind of been interested in
6 technology. Whenever I first took over as a
7 detective, I noticed there was a need for
8 specialties in digital forensics and things of that
9 nature. Not a lot of detectives did it at the
10 time, so I started looking into it, and I developed
11 a passion for it, and I've kind of just been doing
12 it ever since.

13 Q. Okay. And in addition to working for
14 Caseyville, do you have responsibilities also with
15 the Major Case Squad of the Greater St. Louis?

16 A. Yes. I've been on the Major Case Squad since
17 2018, and I've been promoted to the rank of deputy
18 report officer, which is essentially the number 2
19 in charge of any homicide or major crime
20 investigation, keeping track of the police reports
21 and guiding, you know, the direction of the case
22 while it's in progress.

23 Q. Well, first of all, tell us what the Major Case
24 Squad is. What's it made up of?

25 A. The Major Case Squad is a bunch of different

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1 agencies in Illinois and Missouri. They have one
2 or two detectives per police department that are on
3 the Major Case Squad. Whenever there is a homicide
4 or a major crime, the detectives all come together,
5 and we attempt to solve that crime.

6 Q. Are you also certified as a lead homicide
7 investigator for Major Case?

8 A. That's correct.

9 Q. And have you had the occasion to use your
10 skills in -- with digital evidence and cyber and
11 computer-related investigations as a member of the
12 Major Case Squad?

13 A. Yeah, every investigation nowadays involves
14 some sort of digital evidence, whether it's
15 Facebook, Instagram, Google, cell phone records.
16 There always some sort of digital evidence on every
17 investigation nowadays.

18 Q. I want to kind of streamline your background
19 here and kind of just cut to specifically issues
20 relating to cyber crimes and cryptocurrency since
21 that was your involvement in this particular case.

22 Have you had occasion to undergo any
23 professional training with cyber crimes and
24 cryptocurrency?

25 A. Yes. I've been to National Computer Forensics

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1 Institute in Hoover, Alabama, where I went for a
2 week-long training there specifically on all
3 different types of cryptocurrency.

4 Q. Okay. So for anyone who's not familiar with
5 the Forensic Institute in Hoover, explain what that
6 is.

7 A. It is a facility that's ran by the Secret
8 Service, and they train members of local law
9 enforcement as well as Secret Service agents on
10 many different aspects of computers and cyber
11 crimes and all different types of digital things.
12 It's funded by the government, and they provide
13 training. They also provide you tools once you
14 leave to take back home.

15 Q. What's the significance of the institute being
16 run by the Secret Service?

17 A. I've been on the Secret Service Financial and
18 Cyber Crimes Task Force since 2020, and it's just
19 one or two detectives from specific agencies that
20 get together to help solve digital crime.

21 Q. Before we get to the task force, I want to talk
22 with your training in Hoover first.

23 A. Okay.

24 Q. That's run by the Secret Service; is that
25 right?

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1 A. Correct.

2 Q. Tell us a little bit about the Secret Service's
3 charter. We all know the Secret Service protects
4 the President and does executive protection,
5 right?

6 A. Correct.

7 Q. Okay. The Secret Service also has another very
8 important part of their mission. Tell us, what is
9 that?

10 A. So the second part of the Secret Service is
11 they protect the economy, essentially, from digital
12 and financial and cyber crimes. They're in charge
13 of protecting our dollar.

14 Q. And so this institute that they run in Hoover,
15 Alabama, is it safe to say that's --

16 MS. FRETER: Mr. Weinhoeft, could you slow
17 down just a little bit for us over here.

18 MR. WEINHOEFT: You bet. You bet. Sorry.
19 Trying to move through quickly. I apologize.

20 MS. FRETER: That's okay.

21 BY MR. WEINHOEFT:

22 Q. Is it safe to say the institute in Hoover is
23 the premier law enforcement training facility in
24 the United States for computer forensics and cyber
25 crime and cryptocurrency investigations?

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1 A. Yes, I would say so.

2 Q. Tell us about the training you took there and
3 the courses you received.

4 A. I've taken courses on digital forensics there,
5 digital evidence investigations, cryptocurrency,
6 credit card skimming devices, basic network
7 investigative technique, open-source intelligence,
8 and I'm scheduled to go back next month for a
9 command line principles course on computers as
10 well.

11 Q. Okay. And to put just a little bit of meat on
12 the bones there, what's open-source intelligence?

13 A. Open-source intelligence is information that's
14 out there on the Internet that anyone is available
15 to find if you know where to look.

16 Q. You mentioned that you were trained on digital
17 currency. Let's take just a second to make sure
18 everybody understands what digital currency is.
19 Kind of big picture first.

20 A. So digital currency is an asset that is
21 digital, that's not the same as paper money, but
22 it's an asset that the majority of people agree
23 that has value, and it can be traded via one
24 computer or one cell phone from person to person.

25 Q. And there are dozens and dozens and dozens of

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1 different types of digital currency that exist?

2 A. Correct, yeah, there's who knows how many.

3 Hundreds, I assume.

4 Q. Right. And I mean, we can get into a whole
5 side discussion on tokens and all the rest of that
6 stuff, but suffice it to say, Bitcoin is probably
7 the most widely known of the digital currencies.
8 Would you agree with that?

9 A. Yes.

10 Q. Tell us a little bit about digital forensics.
11 What does that mean, and how do you conduct cyber
12 investigations and digital forensics?

13 A. You may do several different things. You may
14 extract data from someone's cell phone. You may
15 get cell phone records. You may analyze their
16 computer. You may trace their cryptocurrency
17 transactions. There's several different things
18 that it could mean.

19 Q. Very well. Let's go into that last one you
20 mentioned, cryptocurrency tracing. What is
21 cryptocurrency tracing? What does that mean?

22 A. So cryptocurrency tracing is following
23 transactions via the cryptocurrency blockchain in
24 order to figure out where the ultimate destination
25 of funds went.

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1 Q. So essentially, it's just tracing the flow of
2 money? It's really, in a lot of ways, just that
3 simple conceptually?

4 A. Yes.

5 Q. All right. And in addition to your training
6 with cryptocurrency training -- or in addition to
7 your training with cryptocurrency tracing, have you
8 had the opportunity to perform that type of
9 analysis in your work?

10 A. Yes.

11 Q. Have you had the occasion to become associated
12 with any professional groups related to
13 cryptocurrency investigations?

14 A. Yes. Currently, like I said, I'm on the Secret
15 Service Financial and Cyber Crimes Task Force, and
16 I'm also on the Midwest Cryptocurrency Task
17 Force.

18 Q. So let's talk about the Secret Service Task
19 Force first. You mentioned before the role of the
20 Secret Service in really safeguarding the nation's
21 financial infrastructure. That's essentially what
22 they do; is that right?

23 A. Yes.

24 Q. All right. What types of task forces has the
25 Secret Service established nationally to address

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1 emerging threats that occur from cryptocurrency
2 crimes?

3 A. They do their own cryptocurrency investigations
4 if it meets a certain threshold. They develop
5 smaller task forces, like the one that I'm on,
6 which is local law enforcement agencies, to handle,
7 you know, the smaller, every day-to-day cases that
8 happen the most often.

9 Q. Is it fair to say that the Secret Service Task
10 Forces are designed to enhance cooperation and
11 coordination between state, federal and local law
12 enforcement?

13 A. Yes.

14 Q. And just to, again, give a real practical
15 example of that, just in the Metro East region
16 here, you might have Belleville police, O'Fallon
17 police, Caseyville police, the like; not
18 necessarily practical to have a subject matter
19 expert at each and every department; so rather,
20 there's certain experts that are identified that
21 help more regionally? Is that fair to say?

22 A. Yeah, that's fair to say. If someone needs
23 something that they don't currently have, it's a
24 resource for them to reach out to a task force like
25 the Midwest Crypto Task Force or the Secret Service

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1 Task Force.

2 Q. So in addition with your Secret Service
3 Cryptocurrency Task Force, you mentioned a
4 different task force called the Midwest
5 Cryptocurrency Task Force. Are you also a member
6 of it?

7 A. Yes.

8 Q. Tell us what that is.

9 A. It's a task force that was developed in
10 St. Louis County out of their police headquarters.
11 I was one of the first original members, but now, I
12 believe the task force is in 13 states.

13 Q. And do you provide services for other law
14 enforcement agencies in tracing cryptocurrency and
15 assisting with these types of investigations?

16 A. Yes.

17 Q. And give us an idea of the geographic span of
18 how far away different agencies that you've worked
19 with.

20 A. I've worked with agencies all over the Metro
21 East as far north as like Joliet in Illinois, and
22 I've also assisted in a few agencies in Kentucky,
23 actually, seized some crypto for them as well.

24 Q. And when you perform cryptocurrency analysis,
25 give us an idea, just in general terms, how that

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1 happens. What do you do?

2 A. I have software that helps me analyze the
3 transactions. Anyone can go online and see a
4 cryptocurrency transaction, but the software that I
5 have attributes wallet addresses to a certain
6 place, where they go, and that's -- I just,
7 essentially, follow the flow of the money until it
8 gets to somewhere that they can either sell it,
9 swap it or keep it in their wallet at that place.

10 Q. And so for how many years have you been using
11 these skills in doing cryptocurrency investigations
12 and tracing?

13 A. Approximately two years.

14 Q. And approximately how many times a week would
15 you say you use these skills practically
16 speaking?

17 A. It just varies by week. I mean, some weeks I
18 can have one. Some weeks I can have ten, but I
19 mean, I know I've looked at -- there's no
20 telling -- over a hundred cases for sure. I mean,
21 more than that. I haven't kept track.

22 Q. Do you hold any professional licensing or
23 certification as it relates to cryptocurrency
24 investigation?

25 A. Just the training that I did at The National

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1 Computer Forensics Institute, I have a certificate
2 from there for completing the digital currency
3 course.

4 Q. And were you previously qualified as an expert
5 in digital cases in the case of *State vs. Justin*
6 *Griffin*, a St. Clair County case, that was charged
7 in 2021?

8 A. Yeah, during that case, I was an expert for
9 some cell phone records and cell phone records
10 analysis in that case.

11 Q. Very good.

12 MR. WEINHOEFT: Your Honor, at this time I
13 will tender Sergeant Allison as an expert in the
14 field of cryptocurrency investigations.

15 MS. FRETER: No objection.

16 THE COURT: Sergeant Allison is qualified
17 to offer opinions in this area.

18 MR. WEINHOEFT: Very good.

19 BY MR. WEINHOEFT:

20 Q. All right. We're going to go through, you
21 know, a little abbreviated -- just to make sure
22 everybody understands what crypto is, how it's
23 traced. Tell us, how is it money? How is
24 cryptocurrency -- how is this thing that I can't
25 put in my pocket, how is that money?

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1 A. It's something that the majority of people
2 agree that has value. Just -- it's no different
3 than gold or it's no different than silver or an
4 actual piece of paper that everyone agrees has
5 value that can be traded among people.

6 Q. Okay. So it's a store of value?

7 A. Yes.

8 Q. It's also a unit of count? You can keep track
9 of how much you have? Is that fair to say?

10 A. Yes.

11 Q. And it's something that's widely exchanged
12 between people around the world; is that true?

13 A. Yes.

14 Q. All right. So tell us how is it issued, if you
15 will, and I don't want to get into mining and all
16 of those things. No need to go down that road, but
17 who issues it if -- I'll start with that question.
18 Who issues it?

19 A. So the vast majority of people are going to
20 purchase cryptocurrency from a cryptocurrency
21 exchange. An exchange is a place where you can
22 buy, sell, trade, swap cryptocurrency. That's
23 where the majority of the people are going to be
24 purchasing cryptocurrency, but there's also
25 different ways, like things, like Bitcoin ATMs

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1 where you can purchase cryptocurrency as well.

2 Q. But it's not issued by a government?

3 A. It's not.

4 Q. It's not issued by a bank?

5 A. No.

6 Q. So it's actually created by its own software
7 protocol? Is that fair to say?

8 A. That's correct. It's maintained by the
9 software protocol, and it's also maintained by
10 people. It's decentralized. It doesn't require a
11 bank, and transactions can be done 24 hours a day,
12 seven days a week.

13 Q. Okay. And how can cryptocurrency be exchanged?
14 You talked about a cryptocurrency exchange to begin
15 with. You mentioned that, so let's start there.
16 What is a cryptocurrency exchange?

17 A. Essentially an online bank where you can sell
18 it for cash. You can buy it with cash. You can
19 trade one type for another. It's just -- it's a
20 digital bank essentially.

21 Q. It's -- as the name implies, it's an
22 exchange?

23 A. Yes.

24 Q. And you can trade different types of
25 cryptocurrency in an exchange as well; is that

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1 right?

2 A. That's right.

3 Q. Swap Ethereum for Bitcoin if you wanted, things
4 like that?

5 A. Yes.

6 Q. All right. So you can conduct transactions
7 through an exchange. That's one way we can do a
8 transaction?

9 A. Yes.

10 Q. Have you heard of a peer-to-peer transaction?

11 A. Yes.

12 Q. How is a peer-to-peer transaction different
13 than the transaction that goes through an
14 exchange?

15 A. Peer-to-peer transaction is a person-to-person
16 transaction that can be done 24 hours a day, seven
17 days a week. I can send money to anyone on the
18 planet any time I want as long as I have their
19 wallet address to be able to send them the funds.

20 Q. So if you wanted to send me \$100 for something,
21 as long -- you could send that money through
22 cryptocurrency directly to me, wallet to wallet,
23 without it going through an exchange or without it
24 going through a bank or without it going through
25 any government entity; is that true?

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1 A. Yes.

2 Q. All right. And that's what we mean by
3 peer-to-peer; is that right?

4 A. Yes.

5 Q. Okay. So we've got exchange transactions,
6 we've got peer-to-peer transactions, and then you
7 also mentioned Bitcoin ATMs. All right. Bitcoin
8 ATMs are just a little bit different, and tell us
9 how.

10 A. Bitcoin ATMs are popping up everywhere. I'm
11 sure a lot of the people in this room have seen
12 them. You can walk into a store, a mall. You can
13 purchase Bitcoin directly from the ATM with cash,
14 you can tell the Bitcoin ATM company where you
15 would like it sent, and then they will do that on
16 your behalf after they take their fees.

17 Q. All right. I previously used the term
18 "wallet." We should explain what that means.
19 Where does a person keep their cryptocurrency?

20 A. They keep it in what's called a wallet. A
21 wallet is just a digital application where you can
22 store, receive or send cryptocurrency.

23 Q. All right. So while we call it a wallet, it's
24 not something leather that's going to sit in my
25 pocket?

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1 A. No. A wallet can be on your phone. A wallet
2 can be something similar to a hard drive. A wallet
3 can be on a piece of paper. It's just something
4 that interacts with the blockchain where you can
5 store, receive or send cryptocurrency.

6 Q. The wallet itself wouldn't be on a piece of
7 paper --

8 A. The wallet --

9 Q. -- the receipt might be?

10 A. The wallet address.

11 Q. The wallet address could be there?

12 A. Yes.

13 Q. And you can also store -- have a digital wallet
14 in an exchange. You can store Bitcoin in an
15 exchange as well; is that right?

16 A. Yes.

17 Q. All right. So for folks who have never engaged
18 in a cryptocurrency transaction before that say,
19 But wait a second, I can make copies of things on
20 my phone. It's digital. It can be copied. How do
21 I know that Bitcoin is being transacted, and how do
22 I know -- much like when I take a check, how do I
23 know there's money in the account so that this
24 check is going to be good and this check wouldn't
25 bounce? Do you understand my analogy?

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1 A. Yes.

2 Q. Help the jury understand how it is that the
3 Bitcoin system maintains its security and its
4 integrity so that we don't have what's commonly
5 called the double spending problem, like basically
6 writing multiple checks out of the same account?

7 A. Yeah, so every Bitcoin transaction that has
8 ever occurred is on the Bitcoin blockchain. So the
9 Bitcoin blockchain is maintained by hundreds, if
10 not thousands, of individuals around the globe, and
11 every transaction is open-source. It can be viewed
12 by anyone. So the wallet addresses that have
13 previously interacted are checked when a
14 transaction occurs to ensure that there are funds
15 in the account.

16 Q. Is it fair to characterize the blockchain as a
17 ledger?

18 A. Yes.

19 Q. All right. So before a Bitcoin transaction can
20 happen, if I send -- try to send you Bitcoin that
21 has to -- that transaction has to be verified
22 electronically before the transaction is validated;
23 is that right?

24 A. Yes.

25 Q. And that validates that I actually have the

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1 money?

2 A. Yes.

3 Q. And I actually have the Bitcoin that I say that
4 I have?

5 A. Yes.

6 Q. And that you have a valid wallet that can
7 accept that Bitcoin?

8 A. Yes.

9 Q. And once the system, through the mining and the
10 rest of that, confirms the validity of the
11 transaction, it's added to the blockchain to record
12 it?

13 A. Yes.

14 Q. And then the money flows through to you?

15 A. That's correct.

16 Q. And once a transaction is on the blockchain, is
17 that stable and secure?

18 A. Yes. Once it's on the blockchain it can never
19 be altered or changed. The blockchain is
20 permanent.

21 Q. And what does the blockchain record? If I
22 send -- again, let's take it back to -- you know,
23 instead of me taking \$100 from you. This time you
24 get to take \$100 from me, right? I send you a
25 \$100. What's the blockchain going to record when I

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1 initiate a Bitcoin transaction from my wallet to
2 your wallet?

3 A. It's going to record the amount of
4 cryptocurrency that you sent me, you know, the
5 dates, the times, from what wallet address it was
6 sent from to the wallet address it was sent to.
7 Those are the main things that it records.

8 Q. And the wallet address -- give the members of
9 the jury an idea of kind of just how unique or
10 complex those address strings are and what that
11 actually looks like when you're doing your work.

12 A. So a wallet address is a string of several
13 characters that can be letters, numbers, they can
14 be capitalized, they're completely random in order
15 to ensure that they are unique, so they can be
16 quite complex, and the -- they can be several
17 different characters. So each individual -- so
18 there's a bunch of different wallet addresses
19 available for everyone. So as long as you have the
20 right one, you can complete a transaction.

21 Q. So your process when you do Bitcoin tracing --
22 again, to maybe oversimplify a little bit -- you're
23 simply looking at what wallets the Bitcoin
24 transfers move between; is that right?

25 A. Yes, I'm essentially looking to see which

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1 wallet it came from and which wallet it went to,
2 and I do that process over and over until I can
3 identify where it goes and, ultimately, it always
4 goes to an exchange.

5 Q. And do you have software that helps you
6 accomplish this task?

7 A. Yes.

8 Q. What software do you use to accomplish this
9 task?

10 A. Software is called TRM Labs.

11 Q. Why do you use TRM Labs to conduct your
12 cryptocurrency tracing investigations?

13 A. That is the software that I got when I went to
14 the National Computer Forensics Institute. Most
15 people in the crypto tracing community agree that
16 it's the gold standard when it comes to blockchain
17 tracing. It's very user friendly, and like I say,
18 the general consensus is it's the best software out
19 there.

20 Q. And this is an industry standard used not only
21 in law enforcement but also in private business; is
22 that correct?

23 A. That's correct. Even the cryptocurrency
24 exchanges, a lot of them use TRM Labs to trace
25 incoming transactions to them as well.

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1 Q. So this is a software that's generally accepted
2 in the forensic cryptocurrency tracing community;
3 is that correct?

4 A. Yes.

5 Q. And the software itself, have you been able to
6 find it reliable; meaning, that different analysts
7 look at the same problem, they come up with
8 consistent and same results?

9 A. Yes.

10 Q. And is the software also subject to peer review
11 and peer testing within the community of
12 cryptocurrency investigators?

13 A. Yes. If there was an issue with the software,
14 a lot of people would know about it really fast.

15 Q. All right. And so in your capacity as a
16 cryptocurrency investigator, did you have the
17 occasion to become involved in the investigation of
18 some cryptocurrency transactions that happened from
19 a woman that lives in Edwardsville by the name of
20 Virginia Bryan?

21 A. I did.

22 Q. How did you become involve in this particular
23 investigation?

24 A. Detective Conor Hoyland from Edwardsville
25 Police Department contacted me, told me about the

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1 case. He sent me information that he had that I
2 could start tracing on the blockchain. He sent me
3 some QR codes of some wallet addresses and some
4 Bitcoin ATM receipts that were discovered in the
5 victim's cell phone.

6 Q. All right. There is a another new concept that
7 we need to talk about for a second, QR codes. What
8 is a QR code?

9 A. A QR code is not specific to cryptocurrency.
10 It's just a -- something you can scan with the
11 camera of your cell phone, and it will take you to
12 a certain place. A lot of people and a lot of
13 exchanges put Bitcoin wallet addresses onto QR
14 codes because they're so complex that a lot of
15 people just want to copy and paste the wallet
16 address without messing it up, so they attach it to
17 a QR code.

18 Q. And so QR codes are just a common way to store
19 Bitcoin wallet addresses. Would you agree with
20 that?

21 A. Yes.

22 Q. All right. So in this particular case, did you
23 look at five individual transactions of Bitcoin
24 purchases?

25 A. I did.

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1 Q. All right. So let's also make sure the jury
2 understands -- because these terms will probably
3 come up, Coinhub and Coinbase. Okay.

4 You mentioned a Bitcoin ATM. Can you tell
5 us what Coinhub is and how Coinhub is related to
6 ATM networks?

7 A. Coinhub is an ATM company. It's a Bitcoin ATM
8 company. It's just one of the many companies out
9 there. There's Bitcoin Depot, there's all
10 different kinds, but Coinhub is just a specific
11 Bitcoin ATM company.

12 Q. Okay. So, again, let's take this back to
13 things we're all familiar with. If we went to an
14 ATM machine to get money out of our account, for
15 example, that ATM machine we use at the
16 drive-through, or wherever, can connect to all
17 sorts of different banks. That ATM is not where
18 the money is actually stored. Is that fair to
19 say?

20 A. Yeah, it's fair it say. People insert money
21 into Bitcoin ATMs; and then once a transaction is
22 initiated, it's initiated from the Bitcoin ATM
23 company's wallet address to the destination address
24 that the person put in when they completed the
25 transactions.

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1 Q. So if I go to a Bitcoin ATM machine and feed it
2 money, I'm actually purchasing Bitcoin; is that
3 true?

4 A. Yes.

5 Q. And then that money, once it's converted into
6 Bitcoin, where does it go?

7 A. A courier, in general, that I've heard, comes
8 by and picks up the cash.

9 Q. No, no, not the actual cash. I'm not talking
10 about the cash.

11 A. All right.

12 Q. I'm talking about if I go to -- if I want to
13 buy Bitcoin at a Bitcoin ATM machine, once I feed
14 my money into that machine and I've purchased
15 Bitcoin, that Bitcoin, you know, I need to send
16 that somewhere. How do I do that?

17 A. So the Bitcoin ATM company does that on your
18 behalf because you have to put in a destination
19 wallet address when you purchase it and tell the
20 company where to send it.

21 Q. So when I purchase that Bitcoin, I tell the
22 machine to send it to your wallet if I want to send
23 that money to you; is that right?

24 A. Correct, yes.

25 Q. And so Coinhub is the business that operated

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1 the ATM machine that you examined in this
2 particular case; is that right?

3 A. That's correct.

4 Q. All right. So now tell us what Coinbase is.

5 A. Coinbase is one of the most popular
6 cryptocurrency exchanges in the United States.
7 They have to follow United States' regulations and
8 laws. There's also a couple different ones in the
9 United States, Kraken and Binance, but Coinbase is
10 definitely the number one cryptocurrency exchange
11 in the United States.

12 Q. And so that is -- that's also a custodial
13 location for -- where wallets can hold and host
14 money as well; is that right?

15 A. Yeah, that's correct.

16 Q. All right. And if we could publish Exhibit No.
17 74, please. For the sake of brevity of going
18 through your analysis in this case, let me know
19 when you can see Exhibit 74. Can you see it now?

20 A. Yes.

21 Q. This was previously admitted through another
22 witness, and you'll see five different entries for
23 March 21st, 22nd, 23rd, 24th and April 7th where
24 there were Bitcoin purchases at a Bitcoin ATM
25 machine. Do you see those entries?

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1 A. I do.

2 Q. Are those the same transactions that you traced
3 and investigated in this particular case?

4 A. They are.

5 Q. All right. And let's just take them all
6 together because the analysis is quite simple in
7 this case. Is that fair to say?

8 A. Yeah, it's an extremely simple trace in this
9 particular case.

10 Q. As far as crypto investigations go, this is
11 about as easy as it gets? Is that fair to say?

12 A. That's fair to say.

13 Q. All right. Tell us where the money went in
14 each of these instances. I don't need the exact
15 wallets. We don't need to get into the weeds.
16 Just make sure we understand where did the money go
17 on each of these five transactions. From the time
18 the Bitcoin was purchased, where was the next
19 stop?

20 A. After it was purchased, it was sent to the
21 wallet address that the person input whenever
22 purchasing it; and then after that particular
23 wallet address, it went to a cryptocurrency
24 exchange. So there's only three addresses for each
25 transaction involved in this case.

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1 Q. Okay. So in this case Virginia had made the
2 purchase. So she would have had to -- with one of
3 those QR codes that came on her phone would have
4 had to tell the machine where to send the Bitcoin,
5 right?

6 A. Yes.

7 Q. All right. And so then that wallet would have
8 received the Bitcoin; is that correct?

9 A. Correct.

10 Q. And are you able to identify any individual or
11 any person from that first stop?

12 A. No. You can't really identify someone based
13 off of an unattributed wallet. You can't identify
14 anyone based off of it.

15 Q. Let's go back to the example of if I send
16 you -- if I pull out my phone, and I pull up my app
17 that has a wallet that contains crypto, and I send
18 some to you, the blockchain will show those numbers
19 of our wallets, but those are basically anonymous,
20 and there is not a way to specifically attribute
21 those to a person independently just by themselves?
22 Is that fair to say?

23 A. That's correct.

24 Q. All right. What is the best way to be able to
25 identify an individual person that's engaging in a

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1 Bitcoin transaction?

2 A. The best way is to figure out where the funds
3 end up, which is ultimately a cryptocurrency
4 exchange, and then reach out to the cryptocurrency
5 exchange and see if they'll provide you the
6 information on who owns the wallet address where
7 the funds were sent.

8 Q. So let's be a little precise here. So if I
9 want to get my money back out -- if I hold money in
10 my wallet in Bitcoin and I want to turn it into
11 cash, right, that's got to come out of the system
12 at some point, and that's most commonly done at an
13 exchange; is that right?

14 A. Yes.

15 Q. So businesses and companies that engage in
16 Bitcoin transactions or are located in the United
17 States are subject to federal laws known as KYC, or
18 Know Your Customer; is that right?

19 A. That's correct.

20 Q. How does that help you in your investigation?

21 A. It's huge for an investigation. Whenever I
22 contact a cryptocurrency exchange and request KYC,
23 or Know Your Customer, they have to provide -- in
24 the United States at least -- name, date of birth,
25 address, phone number, email address. They provide

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1 IP logs, device access information. They provide a
2 lot of information that will let me know who the
3 owner of that wallet address is.

4 Q. And if I'm using a cryptocurrency exchange that
5 operates in the United States, and I'm engaging
6 with transactions with them, and I have a wallet
7 there, I have to send them a copy of my driver's
8 license, a picture of it -- a picture so they can
9 see my face, so she can see my driver's license, so
10 we literally know your customer; is that right?

11 A. That's correct --

12 Q. All right. Now, how about companies that don't
13 exist in the United States -- cryptocurrency
14 exchanges that don't -- aren't -- they don't reside
15 here, they don't do business in the United
16 States?

17 A. They essentially do whatever they want to do
18 wherever they are located. I've seen some collect
19 pretty decent KYC on their customers, I've seen
20 collect none, but I've sent legal process to them,
21 and I have not heard back, and there is nothing I
22 can do about it because they are not based in the
23 United States and don't have to follow our laws.

24 Q. And so different countries, you get different
25 rates of cooperation with law enforcement; is that

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1 right?

2 A. That's right.

3 Q. All right. So our tracing in this case is
4 pretty simple. It goes from -- Virginia makes a
5 purchase. She sends it -- it goes to a private
6 wallet that was designated to her, correct?

7 A. Correct.

8 Q. Were you able to see that money come out of
9 that private wallet and go somewhere else?

10 A. Yes.

11 Q. And did all five of those transactions end up
12 in that same place?

13 A. Yes.

14 Q. Where did those -- each of those five
15 cryptocurrency transactions end up?

16 A. They all ended up at a cryptocurrency exchange
17 that's based in the Seychelles called MEXC
18 Global.

19 Q. So ME-- MECX or --

20 A. MEXC.

21 Q. XC, very good. And that is in Seychelles,
22 spelled S-e-y-c-h-e-l-l-e-s; is that right?

23 A. Correct.

24 Q. Okay. Where is Seychelles?

25 A. Seychelles is in the Indian Ocean, like

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1 Southwest of India, off the East Coast of Africa.
2 It's a really small island nation. MEXC, I
3 believe, has their main headquarters there, but
4 they also have some headquarters that are, you
5 know, based around the globe, but that's their main
6 headquarters.

7 Q. Okay. At the time of the investigation, were
8 they cooperative with law enforcement as you tried
9 to trace the transfer of funds beyond their receipt
10 in that tiny island nation, Seychelles?

11 A. They were not. They would not even let you
12 make a request to them based off of your IP address
13 being in the United States at that time.

14 Q. So you essentially lost the money -- lost track
15 of the money once it went to the Indian Ocean?

16 A. Yes.

17 Q. All right. Very good.

18 MR. WEINHOEFT: Those are all of my
19 questions, Your Honor.

20 MS. FRETER: I don't have any questions.

21 THE COURT: You're done. Free to go.

22 (Witness excused.)

23 THE COURT: Who is our next witness?

24 MR. REED: We have two bank witnesses
25 next, Judge.

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1 THE COURT: Two what?

2 MR. REED: Bank wire witnesses.

3 THE COURT: Those shouldn't take too long,
4 but it is right after lunch. Let's do a quick
5 five-minute break. Get your guys lined up and
6 we'll get to it.

7 (Recess at 1:03 p.m. until 1:14 p.m.)

8 (Jury present.)

9 THE COURT: Call your next witness.

10 MR. REED: Yes, Judge, the Government
11 calls Ian Hardcastle.

12 COURTROOM DEPUTY: Please raise your right
13 hand.

14 (Witness sworn.)

15 COURTROOM DEPUTY: Please state your name
16 and spell your last name for the Court.

17 THE WITNESS: Hi, my name is Ian Michael
18 Hardcastle, H-a-r-d-c-a-s-t-l-e.

19 COURTROOM DEPUTY: Thank you so much.

20 **IAN HARDCASTLE, GOVERNMENT'S WITNESS,**

21 **DIRECT EXAMINATION**

22 BY MR. REED:

23 Q. Good afternoon, Mr. Hardcastle. Thank you for
24 your time.

25 Could you tell the jury where you work,

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1 sir.

2 A. I'm currently employed for U.S. Bank.

3 Q. And how long have you been with U.S. Bank?

4 A. Just over ten years.

5 Q. And what do you do there?

6 A. I am a market operations analyst in support of
7 our Missouri and Arkansas market which includes
8 some periphery areas like Illinois Metro East
9 here.

10 Q. And as a market operation analyst, kind of what
11 do you do?

12 A. I support our brick-and-mortar retail branches
13 operationally with anything from like training to
14 processing transactions to back office research,
15 anything outside of, like, sales or revenue
16 production.

17 Q. Okay. So in that role are you familiar with
18 the electronic systems used to log transactions at
19 U.S. Bank?

20 A. Yes. As far as they interact with our retail
21 branches, yes, sir.

22 Q. Okay. Can you tell us about that process.

23 A. Whenever you do a physical transaction in a
24 brick-and-mortar branch, any kind of negotiable
25 item that you might bring in like a check or a bank

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1 payment, anything like that, is going to be scanned
2 and then imaged and then stored on servers. Along
3 with any kind of transaction ticket, like a
4 withdrawal, deposit ticket, anything like that,
5 that you would use for cash back would also be
6 scanned at that time at the teller station on a
7 little scanner and then stored on our servers.

8 Q. And where are those servers located?

9 A. Chaska, Minnesota, and Olathe, Kansas.

10 Q. All right. So when I go in with my withdrawal
11 slip to U.S. Bank, it's going to go from that bank
12 wherever I am to Minnesota or Kansas?

13 A. That is correct.

14 MR. REED: Okay. Can we put up Exhibit
15 No. 3 for the witness, please.

16 BY MR. REED:

17 Q. Tell me when you can see that, sir, on the
18 screen in front of you. There it is. Okay.

19 Are these U.S. Bank records for Virginia
20 Bryan? Her name is up at the top.

21 A. I don't have it on my screen yet.

22 Q. Oh I'm sorry. It's not up there?

23 COURTROOM DEPUTY: It should be.

24 THE WITNESS: There we go.

25 BY MR. REED:

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1 Q. Okay. See the name "Virginia Bryan" at the
2 top?

3 A. Yes, I do.

4 Q. It says U.S. Bank?

5 A. Yep.

6 MR. REED: Move to admit Number 3.

7 MS. FRETER: No objection.

8 THE COURT: Admitted without objection.

9 (Government's Exhibit No. 3 was received
10 in evidence.)

11 MR. REED: Can we go down to page 14
12 briefly, please.

13 BY MR. REED:

14 Q. Do you see this check from Chase Bank?

15 A. Yes, I do.

16 Q. Okay. Trying to find a number for you. There
17 we go.

18 MR. REED: Thank you.

19 BY MR. REED:

20 Q. Does this show an initial deposit of \$60,000?

21 A. Yes, it does.

22 Q. On April 12, 2023?

23 A. That is correct.

24 Q. Okay. And from these numbers, can you tell
25 me --

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1 MR. REED: I think it's on the back of the
2 check if we can look at the back of the check.
3 There it is. Thanks.

4 BY MR. REED:

5 Q. Okay. Can you tell from the notations on the
6 back of this check what bank location Ms. Bryan
7 visited to make this deposit?

8 A. Yes. On the typing there in the middle on the
9 second line, the fourth, fifth, sixth and seventh
10 digits, 8502, correspond with a branch number.
11 That would be the Edwardsville, Illinois,
12 location.

13 Q. Okay. So would this deposit have been logged
14 from Edwardsville, Illinois, to those servers in
15 Minnesota and Kansas?

16 A. That is correct.

17 MR. REED: If we could jump down to page
18 21.

19 BY MR. REED:

20 Q. Okay. What are we looking at here on page
21 21?

22 A. This is an item that's created whenever a
23 withdrawal is done in person. So on the top here,
24 you've got the amount as well as the account it
25 came out of as well as the date and the time; and

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1 then on the back, similarly to the other one,
2 you'll have a corresponding branch number in the
3 typed line there --

4 Q. Okay.

5 A. -- the 8502.

6 Q. The same branch as before, Edwardsville,
7 Illinois?

8 A. That is correct.

9 MR. REED: Go back to the full Screen.

10 BY MR. REED:

11 Q. This transaction for \$35,000 occurred on April
12 20, 2023?

13 A. That is correct.

14 Q. And so same deal here. It would have gone from
15 that Edwardsville, Illinois, branch and been logged
16 on those servers in Minnesota or Kansas?

17 A. That is correct.

18 MR. REED: No further questions.

19 **CROSS-EXAMINATION**

20 BY MS. FRETER:

21 Q. So I think I got confused. When you say logged
22 on, what do you mean by that?

23 A. When -- you'd have to --

24 Q. So you just were asked, And this was "logged
25 on" a server?

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1 A. Oh.

2 Q. I don't -- when you say logged on, I'm not
3 understanding what you mean.

4 A. The physical item is going to be copied or
5 scanned on our systems, on a physical scanner, and
6 then it's going to be uploaded onto one of those
7 two scanners would probably be a better way to put
8 it.

9 Q. Okay. Like if -- is what you're saying, like,
10 I come in with my deposit slip, I give it to the
11 teller, they put it on a scanner -- like just a
12 document scanner?

13 A. No, it's like a small scanner like this that
14 runs things horizontal, like IDs, deposit slips,
15 things generally bill size to fit through it; and
16 then it makes a copy on both sides as it runs
17 through.

18 Q. Like a SnapScan?

19 A. It's got wheels, so yeah.

20 Q. Okay. Just a --

21 A. Small conveyor belt scanner would be a good way
22 to put it.

23 Q. And that's my little handwritten deposit slip.
24 It scans the document and then it saves the
25 document and sends it to a server that's somewhere

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1 else; is that right?

2 A. To one of two servers, that's correct.

3 Q. I'm sorry. I didn't -- it was too fast for me.

4 A. Oh, I'm sorry. To one of two servers, that's
5 correct.

6 Q. One of two servers.

7 Okay. U.S. Bank has a server in Nebraska,
8 and it has a server in Minnesota.

9 A. Kansas and Minnesota.

10 Q. Sorry. And the server is just like a -- it's
11 an electronic data storage thing, right?

12 A. My understanding of what a server is, yes.

13 Q. Okay. But it's -- it's storing the scanned
14 deposit slip as a record so you could look at it
15 later, right?

16 A. Yes, and in some instances, like, checks to be
17 verified kind of in realtime with other systems.

18 Q. Okay. This logging and storing, it's just a
19 record keeping mechanism; is that right?

20 A. As opposed to?

21 Q. I think I --

22 A. I'm not sure what other kind of storing or
23 record keeping would exist besides -- sorry. Go
24 on.

25 MS. FRETER: Okay. I don't think I have

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1 any other questions.

2 **REDIRECT EXAMINATION**

3 BY MR. REED:

4 Q. Okay. Let's clarify that. When I get my bank
5 statement from U.S. Bank -- well, I'll start with:
6 I go into U.S. Bank. I want to make a withdrawal.
7 U.S. Bank needs to know how I have -- whether I
8 have \$35,000 in my account?

9 A. Yes, sir.

10 Q. Okay. Is that the process you're describing?

11 A. Yes.

12 MR. REED: Okay. No further questions.

13 **RECROSS-EXAMINATION**

14 BY MS. FRETER:

15 Q. If I go into the bank and I want to take out
16 \$50 from my account, the cash that I get is from
17 that branch where I've said, Hey, give me \$50; is
18 that right?

19 A. That is correct.

20 Q. Okay. Is what you're saying the verification
21 process for whether I have the \$50 is run through
22 these servers in Minnesota or Nebraska (sic)?

23 A. Yes. From my understanding all of our DDA,
24 demand deposit account, resources are stored on
25 those two servers.

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1 Q. Okay. And so when you say from your
2 understanding, what does that mean?

3 A. I guess I've never been to the server myself,
4 but that's where we access the documents from,
5 yes.

6 Q. Okay. But the 50 bucks is actually coming from
7 the bank that I'm at when they give it to me?

8 A. If it's physically cash, yeah.

9 MS. FRETER: I don't think I have anything
10 else.

11 MR. REED: Nothing else, Judge.

12 THE COURT: Thank you.

13 THE WITNESS: Thank you.

14 (Witness excused.)

15 THE COURT: Call your next banker.

16 MR. REED: Judge, the Government calls
17 Kevin Geltmaker.

18 COURTROOM DEPUTY: Please raise your right
19 hand.

20 (Witness sworn.)

21 COURTROOM DEPUTY: Please state your full
22 name and spell your last name for the Court.

23 THE WITNESS: Kevin Geltmaker,
24 G-e-l-t-m-a-k-e-r.

25 COURTROOM DEPUTY: Thank you. Have a

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1 seat.

2 **KEVIN GELTMAKER, GOVERNMENT'S WITNESS,**

3 **DIRECT EXAMINATION**

4 BY MR. REED:

5 Q. Mr. Geltmaker, if you wouldn't mind moving in
6 so you're speaking in the microphone or you can
7 move the microphone towards you. Either way.

8 Where do you work, Mr. Geltmaker?

9 A. Busey Bank.

10 Q. How long have you been with Busey Bank?

11 A. Ten years.

12 MR. REED: Can you guys hear him okay?

13 (Jurors indicating.)

14 THE WITNESS: Closer.

15 BY MR. REED:

16 Q. You're fine. It's hard to hear in this
17 courtroom.

18 Okay. How long have you been with Busey
19 Bank?

20 A. Ten years.

21 Q. And what do you do there?

22 A. I'm a director of IT and infrastructure.

23 Q. And in that role, what are some of the things
24 you oversee?

25 A. My team manages the back end of structure

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1 server storage data centers.

2 Q. And in that role, are you familiar with the
3 electronic systems used to log transactions for
4 Busey Bank accounts?

5 A. Yes.

6 Q. Can you tell us a little bit about that system.

7 A. It's called Jack Henry. It's our core banking
8 system.

9 Q. Okay. So let's start at the local branch. If
10 you start at the local branch with a transaction
11 there, kind of trace it for us back to Jack Henry.

12 A. Yeah, the customer goes to the teller, the
13 teller would insert that transactions into the Jack
14 Henry software that's on the teller machine. That
15 transaction would go back to our data center in
16 Illinois which goes to what we consider kind of a
17 gateway server that is running the Jack Henry
18 software. From that server, the transaction goes
19 to the hosted data center at Jack Henry, which is
20 in Texas and Missouri.

21 Q. Okay. So if I'm here in O'Fallon, Illinois, I
22 walk into the bank branch, it's going to go from
23 that computer where the teller is, right, O'Fallon,
24 Illinois, to what I think you described a gateway
25 server in -- where is that?

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1 A. That's in Illinois in our data center.

2 Q. Also in Illinois, okay, and then it's going to
3 go from there to the Jack Henry servers?

4 A. Correct.

5 Q. In Texas and Missouri?

6 A. Correct.

7 Q. And that's an electronic transfer, one to the
8 other to the other?

9 A. Yeah, we have a secure network connection with
10 them.

11 Q. Okay. And so if I were to walk into the bank
12 and ask for \$1,000 out of my account, does that
13 request have to be processed through those servers
14 and then come back so the bank knows I have \$1,000
15 in my account?

16 A. Yes.

17 MR. REED: If we could put on the screen
18 Government's Exhibit No. 2.

19 COURTROOM DEPUTY: Just for the witness?

20 MR. REED: Just for the witness. Thank
21 you, Jackie.

22 BY MR. REED:

23 Q. Are those Busey Bank records for Virginia Bryan
24 and Elizabeth Surmeier?

25 A. Yes.

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1 MR. REED: Move to admit Government's
2 Exhibit 2.

3 MS. FRETER: No objection.

4 THE COURT: Be admitted.

5 (Government's Exhibit No. 2 was received
6 in evidence.)

7 MR. REED: Go to page 6, please.

8 THE COURT: Do you want the jury to see
9 it?

10 MR. REED: Yes, please, and publish to the
11 jury. Thank you.

12 Zoom in on the two transactions on April
13 10, 2023.

14 BY MR. REED:

15 Q. What transactions happened here on April 10 of
16 2023?

17 A. It looks like a withdrawal for 10,000 and a
18 check for 15,000.

19 Q. Okay. So focus first on the \$10,000
20 withdrawal. Would that transaction have been
21 funneled through the Busey Bank server in Illinois
22 and then processed by the Jack Henry servers
23 located in Texas or Missouri?

24 A. Yes.

25 Q. Now, the check --

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1 MR. REED: If we go down to page 13, let's
2 see, it's the fourth image down on the right.

3 BY MR. REED:

4 Q. Is this that \$15,000 transactions on April
5 10th?

6 A. Yes.

7 Q. Okay. Does it appear to be a check to
8 "Cash"?

9 A. Yes.

10 Q. So this check to "Cash," would it, too, have
11 been funneled through the Busey Bank server in
12 Illinois and then processed by the Jack Henry
13 servers located in Texas or Missouri?

14 A. Yes.

15 MR. REED: No questions.

16 **CROSS-EXAMINATION**

17 BY MS. FRETER:

18 Q. And when you say funneled through or processed,
19 can you describe what that means?

20 A. All the transactions go through a secure
21 network connection that we have with Jack Henry as
22 our hosted core provider, so it's going over,
23 basically, the virtual wire if you will.

24 Q. Okay. And when you say "going over," I'm just
25 not understanding what that means.

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1 I go to the bank with my check for cash.
2 I hand it to them, right, and then they hand me
3 back my cash, right?

4 A. The virtual -- yeah, a virtual, I guess,
5 transaction through the computer system. Jack
6 Henry is, essentially, our -- say, your online
7 checking. It's your virtual checkbook if you will.
8 We don't hold any of that data within Busey Bank.
9 So the funds -- the transaction is, you know,
10 binary. It's digital across the wire, across the
11 network, secured connection.

12 MS. FRETER: Okay. I don't have anything
13 further.

14 MR. REED: Nothing else. You can step
15 down, sir.

16 (Witness excused.)

17 THE COURT: Your next witness?

18 MR. REED: The Government would call Anar
19 Bhatt, and her name is spelled A-n-a-r, and her
20 last name is spelled B-h-a-t-t.

21 THE COURT: While she's getting the
22 witness, if it's an exhibit that's not going to be
23 objected to, we don't have to go through the longer
24 process.

25 MS. FRETER: I think, with this witness,

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1 Judge, the exhibit is already in.

2 THE COURT: Okay. So we'll save a little
3 time.

4 COURTROOM DEPUTY: Please raise your right
5 hand.

6 (Witness sworn.)

7 COURTROOM DEPUTY: Please state your full
8 name and spell your last name.

9 THE WITNESS: Good afternoon. My name is
10 Anar Bhatt. Last name is B, as in boy; H, hotel;
11 A, Alpha; T, Tom; T, Tom.

12 COURTROOM DEPUTY: Thank you so much.
13 Have a seat.

14 **ANAR BHATT, GOVERNMENT'S WITNESS,**

15 **DIRECT EXAMINATION**

16 BY MR. REED:

17 Q. Ma'am, if you could, pull your seat in and move
18 the microphone forward and talk right into the
19 microphone for us. Thank you so much. The ceiling
20 kind of kills the sound so whatever we can do to
21 make it easier to hear.

22 Would you mind moving -- if you don't
23 mind.

24 A. Okay. Is this okay?

25 Q. That's perfect.

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1 A. Thank you.

2 Q. Just keep in mind there are people in the back,
3 so if you can speak up, that would be great.

4 Okay. Good afternoon, Ms. Bhatt. Thank
5 you for your time.

6 A. Good afternoon, Counsel. My pleasure indeed.

7 Q. How are you employed, ma'am?

8 A. I'm sorry?

9 Q. How are you employed? Where do you work?

10 A. I work for many states court in the U.S. I
11 have worked for U.S. State Department as a subject
12 matter expertise for the Gujarati language.

13 Q. I'll get there in a moment.

14 Are you a freelance contractor?

15 A. Yes, I am.

16 Q. And what kind of work do you do?

17 A. I do interpretation and translation for
18 Gujarati language, Hindi language and Marathi
19 language.

20 Q. Okay. Thank you, ma'am.

21 A. You're welcome.

22 Q. Where are you from, Ms. Bhatt?

23 A. I'm originally from India, from the state of
24 Gujarat.

25 Q. Okay. What is your native language?

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1 A. My native language is Gujarati.

2 Q. And are you a native speaker, then, of
3 Gujarati?

4 A. I do.

5 Q. And how did you come to learn English?

6 A. English was the medium of education right from
7 my nursery, kindergarten until I completed Bachelor
8 of Laws.

9 Q. Okay. So all the way through school you were
10 in English-speaking schools?

11 A. Yes, I did.

12 Q. But at home you would speak Gujarati?

13 A. Both languages were spoken in my home.

14 Q. Okay. Gujarati and English?

15 A. Gujarati, English and Hindi.

16 Q. Okay. And you mentioned this already, but did
17 you obtain a college degree?

18 A. I did.

19 Q. What is your college degree in, and when did
20 you get it?

21 A. I passed my Bachelor of Commerce in 198- -- I
22 believe -- I'm not sure.

23 Q. 1980s?

24 A. Eighties, yes, and Bachelor of Law for
25 practicing as an attorney I completed in October

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1 1991.

2 Q. Okay. And where did you complete those
3 degrees?

4 A. Ahmedabad.

5 Q. Okay.

6 THE COURT: Can you spell that?

7 THE WITNESS: Yes, Your Honor. A, as in
8 apple; H, hotel; M, Mary; E, Edward; D, Delta; A,
9 Alpha; B, boy; A, Alpha; D, Delta.

10 BY MR. REED:

11 Q. And ma'am, you said you obtained a Bachelor of
12 Law. Did you work as an attorney?

13 A. Yes, I did till I came to United States.

14 Q. Okay. So you practiced as an attorney in
15 India?

16 A. Yes, I did in the High Court of Gujarat.

17 Q. How long did you practice law in India?

18 A. Right from 1991 till I came here in 2007 or
19 2008.

20 Q. What brought you to the United States?

21 A. Because my husband was a U.S. citizen, and I
22 got married to him.

23 Q. That will do it.

24 So you moved to the United States in 2008
25 after practicing law for 17 years. Did you

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1 practice law here?

2 A. No, I did not.

3 Q. Okay. So when did you begin working as a
4 translator?

5 A. I was translating right when I was in India
6 because the medium of argument and petitions and
7 applications in High Court was English, but it was
8 incumbent and mandatory for the attorney to
9 interpret and translate the documents for the
10 parties concerned and state an oath before a notary
11 before filing any pleadings at the Court, so I used
12 to do that.

13 Q. Okay. So that was part of your law practice in
14 India. Because the Court was in English, your
15 client would have known Hindi or another --

16 A. Correct.

17 Q. So when you came to the United States, did you
18 continue to do translation work?

19 A. Absolutely.

20 Q. When and in what state did you first become
21 court certified as an interpreter?

22 A. Maryland, state of Maryland.

23 Q. Okay. And was that soon after coming to the
24 United States?

25 A. Yes.

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1 Q. Are you also a court-certified interpreter in
2 other states?

3 A. I am a court-qualified interpreter because
4 certification in my language is Gujarati, Hindi and
5 Marathi is not available.

6 Q. Okay.

7 A. It's almost equal to certification, but it is
8 called qualified interpretation.

9 Q. Okay. And are you so qualified in a number of
10 states?

11 A. Yes, I am.

12 Q. Okay. Nebraska, California?

13 A. Yes.

14 Q. Vermont, Massachusetts, Minnesota, North
15 Carolina?

16 A. Many more.

17 Q. All over the place?

18 A. All over the place, yes.

19 Q. And does that mean that you're doing what these
20 folks are doing at the table here when you're a
21 court interpreter?

22 A. Yes.

23 Q. Okay. And is that what you do most of the
24 time?

25 A. Yes.

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1 Q. Okay. How many court proceedings in the U.S.
2 have you handled as an interpreter over the
3 years?

4 A. Sir, I cannot count on my fingers.

5 Q. This is the second one of the week, isn't it?

6 A. Yes.

7 Q. Okay. Hundreds?

8 A. Maybe thousands.

9 Q. Maybe thousands, okay.

10 Do you also work as an independent
11 contractor for a number of translation services
12 companies?

13 A. I do.

14 Q. Okay. What are some are those?

15 A. Agencies?

16 Q. Yes, ma'am.

17 A. I work for Lionbridge, Language Line Solutions.
18 I work for Certified Languages, MasterWord. I work
19 for so many agencies I cannot count.

20 Q. Many agencies?

21 A. Many agencies.

22 Q. Okay. And what kind of work does that involve
23 with those agencies?

24 A. I work as they request me. It could be
25 translating a script, translating some audios. It

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1 would be anything -- any documents that they need,
2 even for, like, USCIS phones or birth certificates,
3 anything that they require me to translate from
4 Gujarati or Hindi or English or Marathi.

5 Q. Have you also worked as a consultant, ma'am?

6 A. Yes.

7 Q. Tell us about that.

8 A. As a consultant, I have been approached to be a
9 subject matter expertise --

10 Q. Subject matter?

11 A. -- subject matter expertise, and I give my
12 ideas and what I think about it, and clear out the
13 concepts and if need be, assist them.

14 Q. And for whom have you been a subject matter
15 expert?

16 A. I have worked for -- I have proudly worked for
17 the U.S. State Department.

18 Q. And are you also a language consultant?

19 A. Yes, I am.

20 Q. Tell us about that.

21 A. I have worked for National Language Service
22 Corp.

23 Q. And in fact, part of your work is also to test
24 and grade others who want to become interpreters;
25 is that right?

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1 A. Yes. I test and grade and evaluate the
2 potential interpreters by taking the test, so I
3 would be testing them in the Gujarati, Hindi or
4 Marathi language and there would be co-test in
5 English as well, and then I grade them.

6 Q. Okay. So given all that, are you proficient in
7 translating from Gujarati into --

8 A. I believe so, yes.

9 MR. REED: Judge, I move to qualify
10 Ms. Bhatt as an expert in translation and
11 interpretation from the Gujarati language to the
12 English language.

13 MS. FRETER: No objection.

14 THE COURT: The Court recognizes her as
15 having such expertise and may testify -- offer
16 opinions.

17 BY MR. REED:

18 Q. Ma'am, how did you become involved in this
19 case --

20 THE COURT: Can I stop you though. Was
21 some of the translations she was doing from English
22 to Hindi and not Gujarati?

23 MR. REED: No, Judge, she only translated
24 Gujarati to English. Thank you.

25 BY MR. REED:

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1 Q. How did you become involved in this case,
2 ma'am?

3 A. I was approached to translate a document, and I
4 accepted the request.

5 Q. Was that through Lionbridge?

6 A. Yes.

7 Q. And through a contract with Homeland Security
8 Investigations?

9 A. Yes.

10 Q. Are you compensated for your work through
11 Lionbridge?

12 A. Yes.

13 Q. Okay. And were you separately retained to
14 travel and testify?

15 A. Yes.

16 Q. Lionbridge doesn't cover testifying?

17 A. No.

18 Q. So were you separately retained by my office --

19 A. Yes.

20 Q. -- the U.S. Attorney's office?

21 Okay. And are you being compensated to
22 testify as well?

23 A. Yes.

24 MR. REED: Okay. So I'd like to show on
25 the screen Government's 79 side by side with 80,

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1 and they're both already in.

2 MS. FRETTER: I'm sorry? Side by side
3 with?

4 MR. REED: 79 and 80.

5 Can we go to page 2 on 79, please.

6 BY MR. REED:

7 Q. Ma'am, when we look at 79, on the left side,
8 there's a column for the original language?

9 A. Yes.

10 Q. What is that language?

11 A. Gujarati.

12 Q. Okay. And what's in the original language is
13 from Government's Exhibit 80?

14 A. Yes.

15 Q. Okay. And then in the right column, under the
16 word "English," is that the translation of the
17 original?

18 A. Yes.

19 Q. Is it a true and accurate translation of the
20 original --

21 A. Yes.

22 Q. -- in Exhibit 84 (sic)? Okay.

23 MR. REED: Judge, I would move, having
24 waived further foundation, for the admission of
25 79.

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1 MS. FRETER: No objection.

2 THE COURT: Court finds there's adequate
3 foundation and shall be admitted.

4 (Government's Exhibit No. 79 was received
5 in evidence.)

6 BY MR. REED:

7 Q. Ma'am, when you're doing a translation like
8 this, is it possible that two different translators
9 might choose different words?

10 A. Yes, it's just choice of words, yes.

11 Q. You talk about choice of words. Does that
12 change the meaning?

13 A. I don't think so.

14 Q. Okay. Why is that?

15 A. Because there's a way of approach; like, you
16 may say something which means the same thing and I
17 would say it differently, but it conveys the same
18 meaning.

19 Q. Okay. And would you describe that as a
20 non-substantive --

21 A. I would.

22 Q. Okay. One thing I wanted to ask you about on
23 page 2 of 79 -- I'm sorry, page 3 of 79.

24 Okay. In English we talk about slang,
25 right; where, we use a word to mean something else?

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1 A. Yes.

2 Q. Does that also happen in Gujarati?

3 A. Yes.

4 Q. Okay. If I were to tell you that this top
5 message -- well, let me start with this: Message
6 26, is this your translation of the message in Line
7 26?

8 A. Yes.

9 Q. Okay. And you translate it as maternal uncle
10 gone?

11 A. Yes, that's the literal translation.

12 Q. That's the literal translation?

13 A. Yes.

14 Q. If I were to tell you that this exchange of
15 messages came at a time when the recipient of the
16 message had been stopped by law enforcement, could
17 that have a different meaning?

18 A. It may have slang to it which may indicate a
19 policeman.

20 Q. Say that again.

21 A. It may have a slang to it. It could mean
22 policeman.

23 Q. Okay. So the word translated "maternal uncle"
24 could mean "policeman"?

25 A. No -- yes. Mama means maternal uncle.

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1 Q. Right.

2 A. But sometimes in India we call police mama
3 also.

4 Q. Kind of like we sometimes talk about the blue
5 when we talk about --

6 A. Correct.

7 Q. Okay. But aside from that, are these
8 translations the literal translations of the
9 original?

10 A. As the document was given, yes.

11 Q. Okay. No further questions -- well, sorry. I
12 have no further questions on this one, but I have
13 one more of these.

14 MR. REED: If we can put Exhibit 84 up
15 next to 85. Go to page 2 of 85.

16 BY MR. REED:

17 Q. Okay, ma'am, on the left side, 84 --

18 MR. REED: If we can go down a page so we
19 can see it.

20 BY MR. REED:

21 Q. All right. That's the original?

22 A. Yes.

23 Q. It's partially in English?

24 A. Yes.

25 Q. There's one word, "nikar," what language is

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1 that?

2 A. Gujarati.

3 Q. And on the right, in Government's Exhibit 85,
4 is that a true and accurate translation --

5 A. Yes.

6 Q. -- of the word "nikar"?

7 MR. REED: Judge, at this time I'd move to
8 move in 85 as we discussed earlier.

9 MS. FRETER: No objection.

10 THE COURT: Be admitted.

11 (Government's Exhibit No. 85 was received
12 in evidence.)

13 MR. REED: No further questions, ma'am.
14 Thank you.

15 THE WITNESS: Thank you.

16 MS. FRETER: Could we show the witness and
17 the jury -- this is Government's -- we were just
18 looking at this. This is Government's Exhibit 80.

19 **CROSS-EXAMINATION**

20 BY MS. FRETER:

21 Q. Do you recognize that?

22 A. I do.

23 Q. Okay. And then this is Government's Exhibit
24 79. We were just talking about this; is that
25 right?

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1 A. Correct.

2 Q. Okay. And so you were given Government's
3 Exhibit 80, this extraction report, and you were
4 asked to translate it; is that right?

5 A. Correct.

6 Q. And the language, for the most part, 99 percent
7 of this, in the messages, is Gujarati; is that
8 right?

9 A. I would say so.

10 Q. The language used isn't Gujarati?

11 A. Yes.

12 Q. Oh, it is. And I'm sorry I'm having a hard
13 time hearing you.

14 A. Are you able to hear me, Counsel?

15 Q. Yes.

16 And so the language used in the text
17 messages is Gujarati; is that right?

18 A. Yes, this is Gujarati. There is also English
19 in it.

20 Q. Would you say most of it is Gujarati?

21 A. If I look at it every time, because if my
22 memory serves right, yeah, that is Gujarati.

23 Q. And what is the difference between Gujarati and
24 Hindi?

25 A. Both are different languages. Absolutely

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1 different languages.

2 Q. Okay. And is there anything that you can
3 compare the difference in Gujarati and Hindi to in
4 relation to English? So is it like the difference
5 between Spanish and English; like, they use the
6 same alphabet, but they're totally different
7 languages? How do you they compare?

8 A. I don't know about Spanish, so I cannot say
9 about it; but Gujarati and Hindi, the language, the
10 words, the script is different.

11 Q. And is the gender sometimes different?

12 A. The -- how you pronounce it? Is that what you
13 meant?

14 Q. Gender meaning the -- with the male and female
15 in terms of how the words are termed?

16 A. Yes.

17 Q. Is that different?

18 A. Yes. Many of times, yes.

19 Q. And gender is different than pronunciation? Is
20 that fair to say?

21 A. I'm not able to understand you.

22 Q. Okay. You were given this text message
23 exchange, and then you went through and you created
24 this Exhibit 79; is that right?

25 A. Correct.

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1 Q. And you were the person who put in all the
2 typed words and -- in the original language as well
3 as in the English; is that right?

4 A. Right, I picked it up from the message and I
5 transcribed it.

6 Q. And made it into this nice chart?

7 A. Right.

8 Q. And in doing translations from Gujarati into
9 English, sometimes it's hard to get it -- there's a
10 science to it, but there's also a little bit of an
11 art to it. Is that fair to say?

12 A. I don't follow you.

13 Q. Okay. When you're translating for somebody --
14 when you're in court and you're translating
15 for somebody, sometimes you're just getting sort of
16 the general gist or the general idea of what's
17 being said; is that right?

18 A. May I kindly clarify? Are you asking about
19 interpretation or translation?

20 Q. I'm asking about interpretation right now.

21 A. Okay.

22 Q. Is that right, that you just get, sort of, the
23 general gist or general idea when you're doing
24 interpretation?

25 A. The science of interpretation says that you

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1 have to convey the meaning.

2 Q. Not the exact words; is that right?

3 A. Not necessarily; but so far as I am concerned,
4 I make sure as far as possible to use the
5 meaning -- original words and convey the same
6 meaning without altering it.

7 Q. Okay. And so when you do translation, that's
8 the written; is that right?

9 A. Correct.

10 Q. Okay. And so just like you were talking to the
11 Government, when you're translating something, the
12 context in which it's contained can be important in
13 terms of finding meaning; is that right?

14 A. Generally, when we translate, we try to keep
15 the meaning intact, what it means.

16 Q. Okay. And so you were talking to the
17 Government about Line 26, and is that "mama" --

18 A. "Gaya."

19 Q. -- "gaya." And so you've translated that as,
20 "maternal uncle gone;" is that right?

21 A. Because "mama" in Gujarati means maternal
22 uncle, that is mom's brother or mom's cousin's
23 brother, whatever it means. That is how it is
24 understood.

25 Q. But it could also mean police officer?

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1 A. In a slang.

2 Q. And so the context, what's happening around
3 when this is getting typed, could provide context
4 or meaning to the word; is that right?

5 A. I don't understand you.

6 Q. If you knew that the person typing 26 was
7 speaking to a police officer, that circumstance,
8 that context, would that make you more likely to
9 translate it as police officer or maternal uncle?

10 A. Police officer, if I had known that the context
11 was in reference with police officer and the
12 individual.

13 Q. So context is important in terms of translating
14 or can be?

15 A. It could be, yes.

16 Q. Okay. And so I'm going to back up now to Line
17 1. You have it translated as "going to go today;"
18 is that right?

19 A. Yes.

20 Q. Could that also be translated as "you need to
21 go today"?

22 A. It is choice of words. I did not use "you need
23 to go today" because there is no word in the
24 original translation. "Need" means indiscernible
25 (speaking Gujarati). That is not there. So I just

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1 translated "aje javanu che" "Aje" means today.

2 "Javanu che" means going.

3 Q. In the context of text messaging going back and
4 forth between someone -- just like if you knew they
5 were talking to a police officer, and two people
6 are talking to each other to give directions, if
7 you had that context, could you -- would it be
8 appropriate to translate Line 1 as "you need to go
9 today"?

10 A. I cannot say because I was not knowing about
11 that. I use this word as I know, and this is my
12 choice of word.

13 Q. That's your choice of word, okay. And so for
14 Line No. 3, you have "will tell once the
15 confirmation comes;" is that right?

16 A. Yes.

17 Q. Okay. Could that also be translated as "as
18 soon as you get the confirmation"?

19 A. Ma'am, it's, again, choice of words, so --

20 Q. So "as soon as you get the confirmation," would
21 not be a wrong translation; is that --

22 A. "As soon as" means indiscernible (speaking
23 Gujarati).

24 Q. Okay. And then going down to Line 10, you have
25 it translated as "when sit in the car"?

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1 A. Uh-huh.

2 Q. Is that right?

3 A. Yes, yes.

4 Q. And people, when they're having conversation
5 with each other, don't usually say "when sit in the
6 car;" is that right?

7 A. Why would they not say?

8 Q. Okay. Could you also translate Line 10 as "go
9 sit in the car"?

10 A. No, because it would mean indiscernible
11 (speaking Gujarati) or indiscernible (speaking
12 Gujarati) as per me -- as per my understanding, and
13 again, it's choice of word.

14 Q. And then on Line 12 you have it translated as
15 "when you leave;" is that correct?

16 A. Yes.

17 Q. Could that also just be translated as "leave"
18 or "you leave"?

19 A. Then there is a word, "aetale." "Aetale" means
20 when or "aetale" means -- that's how the choice of
21 word are.

22 Q. Okay. And then on Line 21 you have it -- you
23 have it translated as "before that" and then she,
24 in parentheses, "customer walks out." Why do you
25 have it with the "she" in parentheses? Why is

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1 that?

2 A. That is to bring to the attention that the
3 customer that is narrated in this is a she customer
4 because it is written as "peli." "Peli" means it
5 is a feminine gender.

6 Q. And instead of "peli" in Gujarati, what would
7 "she" in the Hindi -- what would the word be in
8 Hindi instead of "peli"?

9 A. It would sound like -- I have not done a Hindi
10 in this, so I wouldn't -- rather not give my
11 comments on that.

12 Q. Okay. On Line 21 could you also translate it
13 as "before the customer leaves"?

14 A. Then the feminine gender that is spoken here as
15 "peli" fades away or is not interpreted -- is not
16 translated in my opinion.

17 Q. Okay. What about before the female customer or
18 before she leaves?

19 A. Did you say before female customer?

20 Q. Sure, or she? Before she leaves?

21 A. That is what I said. Before she leaves is
22 "peli" indiscernible (speaking Gujarati) "pehla."

23 Q. And on Line 21, the word "customer," is that a
24 Gujarati word?

25 A. No, it's an English word.

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1 Q. And so on 21, "customer" "customer," those are
2 both English words? Both in the original text
3 message and in your translation?

4 A. Yes, ma'am.

5 Q. And they're in between Gujarati words?

6 A. Correct.

7 Q. And so the use of a word "customer" isn't a
8 choice of word or a choice of translation? It's
9 English used in both places?

10 A. It's a literal meaning -- literal word use
11 because there was no translation needed.

12 Q. And then on Line 27, you have it translated as
13 "from;" is that right?

14 A. Right.

15 Q. Okay. Could it also be translated as "with"?

16 A. "Jode thi," I don't believe that it's, again, a
17 choice of word, but I stand by my translation.

18 Q. So when you say it's a choice of word, you
19 think that -- is that where like reasonable minds
20 could disagree?

21 A. No, I don't think so, but this "jode thi" word
22 would -- if I were to be given a context what it is
23 related to, so that is how I would, but it was just
24 "jode thi" that was the message, so it was a
25 literal translation meaning "from."

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1 Q. Have you ever used or familiar with Google
2 Translate? Have you ever used that program?

3 A. I'm familiar with, but I don't trust Google
4 Translate always. It could not mean the exact
5 meaning -- or it could change the meaning.

6 Q. And why is your translation or interpretation
7 better than Google Translate?

8 A. Because I am a native speaker. I understand
9 that language. Google does not.

10 Q. And have you ever used Google Translate where
11 you put something in and then you reverse it, and
12 it comes out totally different?

13 A. It could be.

14 Q. Okay. And that's because it's a computer
15 program doing it, not somebody like yourself who is
16 a native speaker with experience?

17 A. I don't know. It depends on who thinks about
18 it. I do my job.

19 Q. But you don't recommend people to use Google
20 Translate?

21 A. I don't recommend to anybody -- I'm not a
22 person to give my recommendation. I don't give
23 advice or suggestions.

24 Q. Okay. But you yourself don't trust Google
25 Translate?

1 A. Not always.

2 MS. FRETTER: Thank you.

3 I don't have anything further.

4 MR. REED: Nothing further, Judge.

5 THE COURT: Thank you, ma'am.

6 MR. REED: You may step down.

7 THE WITNESS: Thank you, Your Honor. May
8 I be excused?

9 THE COURT: Pardon me?

10 THE WITNESS: May my presence be excused?

11 THE COURT: Yes.

12 THE WITNESS: Thank you. Have a good day,
13 everybody.

14 (Witness excused.)

15 MR. REED: Thank you, ma'am.

16 Judge, at this time the Government would
17 play the deposition transcript -- or deposition
18 testimony of Officer Towell.

19 THE COURT: And how long is that?

20 MR. REED: It's about -- what is it -- I
21 think it's about an hour and 30, hour and 25.

22 THE COURT: Let's take a five-minute
23 recess before we watch, I'm sure, the dramatic
24 video deposition. All right. Five minutes. Don't
25 talk about it.

1 (Recess at 2:00 p.m. until 2:10 p.m.)

2 (Jury present.)

3 THE COURT: Please be seated. Thank you.

4 All right. At this point you're going to
5 play a deposition taken of a witness in this case?

6 MR. REED: That's right, Judge, pursuant
7 to the prior motion filed with the Court, we'll
8 play the deposition testimony of a witness who is
9 on active duty and out of the country, and so we
10 had to take his testimony earlier.

11 THE COURT: All right.

12 MR. REED: Can you put that on the
13 monitor.

14 (Video deposition, Government's Exhibit
15 No. 66, Deposition of Justin Towell, played for the
16 Court and jury.)

17 (Video deposition, Government's Exhibit
18 No. 66, Deposition of Justin Towell, paused.)

19 MR. REED: Judge, to have it on our
20 record, we move to admit Government's Exhibit 66.

21 THE COURT: 66 is in.

22 (Government's Exhibit No. 66 was received
23 in evidence.)

24 (Video deposition, Government's Exhibit
25 No. 66, Deposition of Justin Towell, resumed.)

1 (Video deposition, Government's Exhibit
2 No. 66, Deposition of Justin Towell, paused.)

3 MR. REED: And at this time we'll move to
4 admit Government's Exhibit 68.

5 MS. FRETTER: No objection.

6 THE COURT: 68 is admitted.

7 (Government's Exhibit No. 68 was received
8 in evidence.)

9 (Government's Exhibit No. 68, a video, was
10 played for the Court and jury.)

11 (Video deposition, Government's Exhibit
12 No. 66, Deposition of Justin Towell, video
13 deposition, resumed to the end of the video.)

14 THE COURT: Counsel, approach.

15 (Sidebar proceedings on the record.)

16 THE COURT: How much do we have left that
17 we can accomplish today?

18 MR. REED: I have another witness ready to
19 go. It'll take a couple of hours, so we'll have to
20 keep him over --

21 THE COURT: Okay.

22 MR. REED: -- but we can get him started.

23 THE COURT: Who is our next witness?

24 MR. REED: Conor Hoyland.

25 THE COURT: Okay. And you've got some

1 videos of Patel at a gas station; is that right?

2 MR. REED: That's part of his testimony,
3 yes, and also the phone that was recovered during
4 this pickup this time.

5 THE COURT: All right. Then we will plan
6 on going to 4:30, but I'll give the jury a quick
7 break.

8 MR. REED: All right. Thank you, Judge.

9 (End of proceedings at sidebar.)

10 THE COURT: All right. Ladies and
11 gentlemen, we've got another witness that's cued
12 up. That witness is going to take a while. So why
13 don't we -- I'm going to give you -- I'll give you
14 a ten-minute recess. We'll come back, and then we
15 will go until 4:30.

16 (Recess at 3:34 p.m. until 3:45 p.m.)

17 (Jury present.)

18 THE COURT: Call your next witness.

19 MR. REED: Judge, the Government calls
20 Conor Hoyland.

21 COURTROOM DEPUTY: Please raise your right
22 hand.

23 (Witness sworn.)

24 COURTROOM DEPUTY: Please state your full
25 name and spell your last name for the Court.

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1 THE WITNESS: My name is Conor Hoyland.

2 Last name is spelled H-o-y-l-a-n-d.

3 COURTROOM DEPUTY: Thank you. Have a
4 seat.

5 **CONOR HOYLAND, GOVERNMENT'S WITNESS**

6 **DIRECT EXAMINATION**

7 BY MR. REED:

8 Q. And Detective Hoyland, if you'd move that mic
9 over a little bit closer to the screen. The whole
10 base moves if you need it. It's hard to hear in
11 here.

12 Where do you work, sir?

13 A. I work for the Edwardsville Police
14 Department.

15 Q. How long have you worked for the Edwardsville
16 Police Department?

17 A. I was hired in April of 2014, so 10, almost 11
18 years.

19 Q. What was your role when you started there?

20 A. I was hired as a patrol officer.

21 Q. How long did you work as a patrol officer?

22 A. I was assigned to patrol until August of
23 2022.

24 Q. And did you change roles in August of 2022?

25 A. I did. In August of 2022 I was moved into our

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1 investigations division where I assigned to be a
2 detective.

3 Q. And so how long have you been a detective?

4 A. Just shy of three years.

5 Q. What did you do -- well, what kind of casework
6 do you do as a detective?

7 A. We handle a wide variety of crimes. They can
8 range from property crimes all the way up to
9 violent crimes. Everything from property damage,
10 theft, burglary, fraud cases, all the way up to
11 assault, battery, even homicide.

12 Q. And before you joined Edwardsville PD, did you
13 go to college?

14 A. I did. I attended Western Illinois
15 University.

16 Q. And what was your degree in there?

17 A. I obtained a bachelor's degree in law
18 enforcement and justice administration, and I
19 minored in computer sciences.

20 Q. Okay. In addition to your college classwork,
21 do you complete ongoing training as a detective?

22 A. I do.

23 (Interruption by the court reporter.)

24 BY MR. REED:

25 Q. Generally, what kind of training do you do?

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1 A. Wide variety of training covering everything
2 from cell records analysis to homicide investigator
3 courses. More specifically, I also take -- I've
4 taken several courses in various aspects of
5 computer and cell phone forensics.

6 Q. Tell us about those trainings in computer and
7 digital forensics.

8 A. So I currently hold a certification from Mile2
9 Cybersecurity as a certified digital forensics
10 examiner. In addition to that, I've completed
11 numerous courses with the National White Collar
12 Crime Center, also called NW3C. Those courses
13 cover everything from advanced forensic analysis of
14 Mac operating systems, Windows operating systems,
15 Linux operating systems and Android and iPhone
16 operating systems.

17 Q. Okay. So five separate courses, I think, is
18 what I heard there?

19 A. Yes.

20 Q. All right. How long were each of those five
21 courses?

22 A. They varied in time from 20 -- I'm sorry, 32 to
23 48 hours -- or 32 to 40 hours. I apologize.

24 Q. Okay. So three or four weeks' worth of
25 trainings?

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1 A. Yes.

2 Q. Did you also complete training in
3 cybersecurity?

4 A. Yes, I did.

5 Q. And you used the term "digital forensics."
6 Just plain English, what is that about?

7 A. Digital forensics refers to gathering and
8 collecting digital evidence off of various devices
9 or storage medias, like thumb drives, hard drives,
10 things like that, in a forensically sound way that
11 protects the integrity of the data.

12 Q. Does that include cell phone extractions?

13 A. Yes, it does.

14 Q. How many cell phone extractions do you think
15 you did in 2023 when you worked on this case?

16 A. I don't recall the exact number offhand;
17 however, in excess of 50.

18 Q. About 50 a year?

19 A. That's a fair number.

20 Q. Okay. So in plain English, what is a cell
21 phone extraction?

22 A. A cell phone extraction is using specialized
23 devices, whether that's called GrayKey or
24 Cellebrite or other forensic software, to create a
25 copy or to collect data off of a cell phone that,

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1 once again, we can store in a way that protects its
2 integrity and is forensically sound.

3 Q. Did you work on a case involving a victim named
4 Virginia Bryan?

5 A. Yes, I did.

6 Q. During the course of your investigation, did
7 you examine Virginia Bryan's cell phone for
8 evidence of the crimes against her?

9 A. Yes, I did.

10 Q. How did you get the phone?

11 A. It was provided to me by Virginia Bryan.

12 Q. Did you make an extraction like we talked
13 about?

14 A. Yes, I did.

15 Q. When you're looking at the phone extraction,
16 were you looking for specific numbers?

17 A. Yes, I was. I was looking for numbers in
18 reference to a scam that she had reported that
19 occurred over the course of several months.

20 Q. And also messages about Bitcoin -- some Bitcoin
21 transactions?

22 A. That is correct.

23 MR. REED: I put on the screen what's been
24 marked as Government's Exhibit 73. For the
25 witness, please. Go down to page 2, please, and

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1 page 3 and the next page, please, and the next page
2 after that. There it is.

3 BY MR. REED:

4 Q. Okay. Was one of the numbers you were looking
5 for this number ending in 2637?

6 A. Yes, it was.

7 Q. And also a number that appeared on some fake
8 documents that ended in 1778?

9 A. That's correct.

10 Q. Does this exhibit truly and accurately report
11 that data from Ms. Bryan's phone?

12 A. Yes, it does.

13 MR. REED: Move to admit Exhibit 73.

14 MS. FRETER: No objection.

15 THE COURT: Admitted.

16 (Government's Exhibit No. 73 was received
17 in evidence.)

18 MR. REED: Publish to the jury, please.

19 BY MR. REED:

20 Q. Okay. When reading this, where is the text of
21 the message itself on this box?

22 A. The third item from the bottom directly across
23 from "text." So in this instance, it would say
24 "Hi."

25 Q. So this is the scammer saying "Hi" to

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1 Ms. Bryan?

2 A. That's correct.

3 Q. On March 20, 2023?

4 A. That is correct.

5 Q. And it starts this way, but during the course
6 of your investigation, did you learn that the
7 scammer also called Ms. Bryan's home phone?

8 A. That is correct.

9 Q. And of course, the calls to her home phone
10 aren't going to show up on an extraction of her
11 cell phone?

12 A. That is correct.

13 MR. REED: If we could go down to the next
14 page, to page 7. Stop right there.

15 BY MR. REED:

16 Q. A couple message later Ms. Bryan responds by
17 sending her driver's license?

18 A. Yes.

19 MR. REED: Page 8, next page.

20 BY MR. REED:

21 Q. And then she sends -- or the scammer sends an
22 address; is that right?

23 A. That is correct.

24 Q. Is this a Busey Bank? 2004 Troy Road?

25 A. Yes, it is.

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1 Q. Page 11, what is he sending here?

2 A. In this message, the scammer is sending
3 Ms. Bryan the location of a Farm Fresh at 740 East
4 Airline Drive in East Alton, Illinois.

5 Q. Why Farm Fresh?

6 A. At that Farm Fresh, there is a Bitcoin ATM.

7 Q. Next page, this top box, Number 9, what are we
8 looking at here?

9 A. That is an authentication code that would have
10 been sent from Coinhub to Ms. Bryan.

11 Q. Fair to say there's a lot of these on this
12 day?

13 A. Yes.

14 Q. Any sign she actually got the machine to work
15 on the 20th?

16 A. I don't recall.

17 MR. REED: Okay. If we could move down to
18 page 16. I'm sorry. I think it must be Message
19 16. There we go.

20 BY MR. REED:

21 Q. Next day here, March 21st?

22 A. Yes.

23 Q. What time does this conversation start?

24 A. It starts at 9:39 a.m.

25 Q. All right. And this is the scammer saying "Hi"

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1 again?

2 A. Correct.

3 MR. REED: So if we could go down to page
4 19; although, it might be -- stop right there.

5 BY MR. REED:

6 Q. What is Ms. Bryan sending him here?

7 A. This would be a bank slip from Busey Bank.

8 MR. REED: Okay. Next page.

9 BY MR. REED:

10 Q. Back to Farm Fresh?

11 A. Correct.

12 MR. REED: Page 24. It's down four more
13 pages.

14 BY MR. REED:

15 Q. Okay. What's this?

16 A. That is a message from Coinhub letting
17 Ms. Bryan know that her Coinhub registration is
18 complete and she can now purchase up to \$50,000
19 worth of cryptocurrency per day.

20 Q. Okay. This is March 21st?

21 A. That is correct.

22 MR. REED: Down to page 30.

23 BY MR. REED:

24 Q. Okay. What is this here on page 30?

25 A. That would be a receipt from Coinhub that was

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1 sent to Ms. Bryan documenting a transaction in the
2 amount of \$14,900 --

3 Q. Was this --

4 A. -- for Bitcoin.

5 Q. I apologize.

6 When was this transaction completed?

7 A. It occurred on March 21, 2023 --

8 Q. Okay.

9 A. -- at 1:14 p.m.

10 Q. Is there a series of these Coinhub Bitcoin ATM
11 receipts in these messages?

12 A. Yes, there is.

13 Q. Okay. Do they correspond to the five
14 transactions that you sent to Detective Allison to
15 look at to do a Bitcoin analysis?

16 A. They do.

17 MR. REED: Now I can jump all way down to
18 page 43.

19 BY MR. REED:

20 Q. Okay. What is the scammer telling Ms. Bryan
21 here?

22 A. Chase Bank.

23 MR. REED: And if we could go up one page
24 from here.

25 BY MR. REED:

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1 Q. Is there an address that goes with that?

2 A. Yes, 248 Harvard Drive, Edwardsville,
3 Illinois.

4 Q. When does the scammer send Ms. Bryan to Chase
5 Bank?

6 A. March 23, 2023, at 12:32 p.m.

7 MR. REED: Page 55.

8 BY MR. REED:

9 Q. All right. Still March 24th?

10 A. Correct.

11 Q. What does Virginia send in this message?

12 A. That is a bank slip from Chase Bank.

13 MR. REED: Page 58.

14 BY MR. REED:

15 Q. All right. What is the scammer asking for
16 here?

17 A. Send more paperworks from Chase.

18 Q. Still March 24th?

19 A. Yes.

20 Q. So we've been jumping around here; but big
21 picture, this exhibit, 365 pages?

22 A. Yes.

23 Q. And it starts on March 20th and ends on April
24 20th?

25 A. That is correct.

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1 Q. Were there over 200 phone calls during those 30
2 days?

3 A. Yes, there are.

4 Q. At least one phone call every single day if you
5 include WhatsApp calls?

6 A. That is correct.

7 Q. Regular text messages in addition to that?

8 A. Yes.

9 Q. Does that level of communication kind of
10 increase as time goes on?

11 A. Yes, it does.

12 MR. REED: Can we go back to page 95,
13 please.

14 BY MR. REED:

15 Q. All right. It says message not sent, but what
16 is Virginia trying to send here?

17 A. It appears to be bank statements.

18 Q. All right. And what time is this message?

19 A. April 6, 2023, at 3:33 p.m.

20 MR. REED: If we can go down to page 98.

21 BY MR. REED:

22 Q. What does he say here?

23 A. I have not received the pictures, ma'am.

24 Q. Same day?

25 A. Yes.

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- 1 Q. Next page, what does he say here?
- 2 A. Or if you can type it on the text you can do
- 3 that.
- 4 Q. Next page, what does he say here?
- 5 A. First two pictures.
- 6 Q. What does she say on the next page?
- 7 A. Talk later.
- 8 Q. And then on the next page?
- 9 A. Okay, question mark.
- 10 Q. And 103, how does he respond?
- 11 A. Ma'am, I have not received the pictures.
- 12 Q. And 104, what does he say here?
- 13 A. Please try sending me the pictures again.
- 14 Q. Page 114 -- 114, I'm sorry. Are we still on
- 15 the same day?
- 16 A. Yes.
- 17 Q. All right. And what does he say here?
- 18 A. I will register this on your case papers.
- 19 Q. All right. Page 129, same day still here?
- 20 A. Yes.
- 21 Q. Many pages later?
- 22 A. Yes.
- 23 Q. What does he say here?
- 24 A. Do you have any more pictures left?
- 25 Q. What time is it at this point?

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1 A. 8:08 p.m.

2 Q. About five hours after this request for
3 information first came through?

4 A. Yes.

5 Q. And page 130, what does she say here?

6 A. Not now.

7 Q. And the next page, how does he respond?

8 A. Okay.

9 Q. And the next page, how does he respond here?

10 A. So you can take rest now.

11 Q. What time is it when he allows Virginia to
12 rest?

13 A. Eleven -- or 8:10 p.m.

14 MR. REED: Let's jump down to page 152.

15 BY MR. REED:

16 Q. Okay. In the bottom box, when is this first
17 call and what day is it?

18 A. It occurs on April 9, 2023, at 8:48 a.m.

19 Q. And lasts an hour -- or a minute and 31
20 seconds?

21 A. That's correct.

22 MR. REED: Next page, please.

23 BY MR. REED:

24 Q. All right. And 186, this is another call on
25 the same day?

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1 A. Yes.

2 Q. How long does this call last and when does it
3 start?

4 A. It starts at 8:50 a.m., and it lasts two hours
5 and one second.

6 Q. And then page 154, another two-hour call that
7 starts at 10:51 and ends at about 12:51?

8 A. Yes.

9 Q. And 155, there's a handful of missed calls,
10 right?

11 A. Correct.

12 Q. And 156, there's a four-hour call that starts
13 at 1:11 and ends at 5:11?

14 A. That is correct.

15 Q. And 157, there is a two-hour call that starts
16 at 5:12 and ends at 7:12?

17 A. That is correct.

18 Q. And the next page, finally, a two-hour call
19 that starts at 8:15 and ends at 10:15?

20 A. That is correct.

21 Q. So 12 hours on the phone that day?

22 A. That is correct.

23 Q. And that brings us to April 10. What happened
24 to Virginia on April 10?

25 A. On April 10th a subject came to her house to

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1 pick up money in reference to this scam.

2 Q. So page 160 here, we're on April 10th. When's
3 the first contact -- whoops. Right here. I
4 apologize.

5 When is the first contact in Box 197?

6 A. It occurs at 8:04 a.m.

7 MR. REED: And the next page, please.

8 BY MR. REED:

9 Q. And at 8:09, there is an hour-and-54-minute
10 call?

11 A. Correct.

12 Q. And after that the scammer sends her an address
13 in Wood River?

14 A. Yes.

15 Q. Is that a bank?

16 A. Yes, it is.

17 Q. All right. Next page, sends her another
18 address?

19 A. Yes.

20 Q. Another bank branch?

21 A. That is correct.

22 Q. All right. Next page, third bank branch?

23 A. Yes.

24 Q. And 163, what does he say here?

25 A. Once you have written down all three addresses,

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1 just call me back.

2 Q. And then there is an eight-minute call?

3 A. Yes.

4 Q. Next page, he sent the address again?

5 A. Yes.

6 MR. REED: Keep going.

7 BY MR. REED:

8 Q. And another address again?

9 A. Yes.

10 MR. REED: Keep going.

11 BY MR. REED:

12 Q. After he resends the addresses there is a
13 45-minute call starting at 10:58 a.m.?

14 A. Yes.

15 MR. REED: Jump down to page 174.

16 BY MR. REED:

17 Q. All right. We're still on April 10th at 1:45
18 p.m.?

19 A. That's correct.

20 Q. What does he say here?

21 A. You can send me the pictures here.

22 MR. REED: Okay. Next page -- actually,
23 we can go all the way down to 179.

24 BY MR. REED:

25 Q. All right. What does Virginia send here?

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1 A. She sends him a photo of bundles of cash.

2 Q. And then 181, another picture of cash?

3 A. Yes.

4 Q. What looks like a bank slip?

5 A. That is correct.

6 Q. 187, more money pictures?

7 A. That is correct.

8 Q. All right. 188, what does she say here?

9 A. Almost \$30,000.

10 Q. And the next page, 189, what does she say
11 here?

12 A. All the cash I have.

13 Q. Page 190, it's followed by a two-hour phone
14 call at 3:06 p.m.?

15 A. Correction, that would be a two-minute phone
16 call.

17 Q. I apologize. A two-minute-and-seven-second
18 phone call?

19 A. That's correct.

20 Q. All right. Next page, what is Ms. Bryan
21 sending here?

22 A. That is a photo of the bundles of cash in a
23 shoebox.

24 Q. All right. Next page, what does she say here?

25 A. All the bunddays (as read) in a blue box.

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1 Q. Probably bundles?

2 A. Probably bundles.

3 Q. Page 204, what is she sending here on page
4 204?

5 A. That is a photo of the front of her residence
6 on Hollyhock Lane.

7 Q. 205, what does she say here?

8 A. Front yard from the street.

9 Q. 206, what is this?

10 A. That is Ms. Bryan taking a photo of herself in
11 the mirror.

12 Q. Did she also have to do this on April 20th?

13 A. Yes, she did.

14 Q. Page 208, did the scammer ask her to send a
15 photo of herself on April 20th?

16 A. Yes, he did.

17 Q. In your experience and training, why would he
18 be asking her to send a photo?

19 A. Two main reasons. One, to see who he is
20 supposed to meet -- or the courier who is picking
21 up the money is supposed to be meeting with. The
22 other reason is it might give her -- him -- whoever
23 is on the other end of the conversation an idea of
24 whether or not anybody else is with her.

25 Q. So page 208 here, are we still on April the

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1 10th?

2 A. Yes.

3 Q. It's a two-hour call at 4:18 p.m.?

4 A. That is correct.

5 Q. And page 211, then there is a 50-minute call at
6 6:22?

7 A. Yes.

8 Q. And a two-hour call at 7:13 p.m.?

9 A. Yes.

10 Q. Is this the night that she handed over that
11 first box?

12 A. Yes, it is.

13 Q. So between April 9 and April 10, something like
14 20, 22 hours on the phone?

15 A. That is correct.

16 Q. In your experience, why would the scammer want
17 her on the phone for 22 hours leading up to this
18 drop?

19 A. From the scammer's standpoint, it's about
20 maintaining control, making sure she's not
21 communicating with anybody else who might interfere
22 with his ability to carry out the scam.

23 MR. REED: Okay. Let's jump down to page
24 299.

25 BY MR. REED:

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1 Q. What day is it here?

2 A. April 18, 2023.

3 Q. Okay. What does Virginia say to the scammer
4 here?

5 A. Taxes should be finished this afternoon.

6 Q. And then page 311, what is she sending him
7 here?

8 A. I believe that's a photo of bank statements.

9 Q. Maybe some mail?

10 A. Yes.

11 Q. All right. Page 314, what does she ask here?

12 A. Did you receive both?

13 Q. Page 317, what does she say here?

14 A. \$4,000 to state and 25,000 to federal.

15 Q. And the next page, what does she say here?

16 A. Both are in the mail.

17 Q. Okay. From your investigation, was Virginia
18 under the impression she was talking to a federal
19 agent?

20 A. Yes, she was.

21 Q. With the Treasury Department?

22 A. Yes.

23 Q. So she's sending -- telling the agent from the
24 Treasury Department that she's sending her taxes
25 in?

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1 A. That is correct.

2 MR. REED: Okay. Could we jump down to
3 page 321?

4 BY MR. REED:

5 Q. All right. What day is this at this point?

6 A. April 19th.

7 Q. When does contact with the scammer start on
8 April 19th?

9 A. There is a missed call at 8:18 a.m. and then a
10 completed call at 8:18 a.m. as well.

11 Q. Okay. Two hours long at 8:18 to 10:18?

12 A. That's correct.

13 MR. REED: All right. Let's see here.

14 Page 323.

15 BY MR. REED:

16 Q. All right. In Box 432 what is Virginia asking
17 the scammer here?

18 A. Can I do both money grabs tomorrow?

19 Q. Next page, what does she say here?

20 A. I need a day to settle down and buy
21 groceries.

22 Q. 325?

23 A. I would be better off behind bars.

24 Q. This is Virginia to the scammer?

25 A. Yes.

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1 Q. The day before the sting on April 20th?

2 A. That is correct.

3 Q. I would be better off behind bars?

4 A. Yes.

5 Q. Page 326, how does he respond?

6 A. Yes, ma'am.

7 Q. And 327, no problem?

8 A. No problem.

9 Q. 329, what does Ms. Bryan say here?

10 A. Home and not looking forward to anything.

11 Q. Page 330. What does she say here?

12 A. Paid cash for groceries.

13 Q. So this brings us to April 20th.

14 MR. REED: If we could go to page 333.

15 BY MR. REED:

16 Q. When is this message sent?

17 A. It's sent at 8:37 a.m.

18 Q. And what does Ms. Bryan say here?

19 A. I asked my daughter to drive. I almost crushed
20 my garage and car yesterday.

21 MR. REED: Down to 336.

22 BY MR. REED:

23 Q. All right. Some missed calls?

24 A. Yes.

25 Q. And then 338, what does she say here?

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1 A. Talk later on.

2 Q. Okay. This is sent at 9:52?

3 A. Yes.

4 Q. Is this about when Beth Surmeier reported she
5 had arrived at Virginia's house?

6 A. Yes.

7 Q. And page 340, how does he respond here?

8 A. First send me pictures of the bundles.

9 Q. 341, does she send photos?

10 A. Yes, she does.

11 Q. And then 345, what is this here?

12 A. That is a U.S. Bank slip.

13 Q. Okay. 346, what does he say here?

14 A. Now take a shoebox and place all the bundles
15 inside and take a photo of it.

16 Q. 348, does she do it?

17 A. Yes, she does.

18 Q. 352, is there a 2-minute-26-second call here?

19 A. Yes, there is.

20 Q. When did that 2-minute call happen?

21 A. 11:22 a.m.

22 Q. Is this about when Virginia and Beth were at
23 the police station that morning?

24 A. Yes, it is.

25 Q. 356, two-hour call that afternoon starting at

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1 3:27?

2 A. Yes.

3 Q. 357, followed by an hour-and-44 minute call at
4 5:30 p.m.?

5 A. Yes.

6 Q. And 358, this is the picture you referenced
7 earlier?

8 A. Yes.

9 Q. And at this point, you're in the house too,
10 right?

11 A. Yes, I am.

12 Q. And Sergeant Towell?

13 A. Yes.

14 Q. Did you hear why she was supposed to send a
15 picture of herself?

16 A. For the person who was coming to pick up the
17 money.

18 Q. Page 359, is there a 26-minute-and-32-second
19 call at 7:20?

20 A. Yes, there is.

21 Q. Twenty-six minutes takes us to 7:46?

22 A. Yes.

23 Q. Based on the time stamp, is Virginia on the
24 call, on this call, when she walks out and puts the
25 box in Nirav Patel's vehicle in front of her

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1 house?

2 A. Yes, she is.

3 Q. All right. 360, then there is some missed
4 calls?

5 A. Yes.

6 MR. REED: Go all the way down to 365.

7 BY MR. REED:

8 Q. All right. It's a 2-minute-and-4-second call
9 at 7:54 p.m.?

10 A. Yes.

11 Q. This is after Patel is arrested?

12 A. Yes, it is.

13 Q. When he speaks with Sergeant Towell?

14 A. Yes, it is.

15 MR. REED: We can take that down.

16 BY MR. REED:

17 Q. So that wraps up Ms. Bryan's phone.

18 Were you also involved with that operation
19 on April 20th?

20 A. Yes, I was.

21 Q. How did you come to be involved?

22 A. I was advised of the case by Sergeant Towell
23 when he took the initial report from Ms. Bryan and
24 Ms. Surmeier.

25 Q. And you went to her house that afternoon?

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1 A. Yes, I did.

2 Q. Once you got to the house, where were you
3 stationed?

4 A. I went up to the second floor to keep
5 surveillance on the street from an upstairs
6 bedroom.

7 Q. How long did you wait?

8 A. Several hours.

9 Q. Someone eventually show up?

10 A. Yes, they did.

11 Q. Okay. What kind of vehicle was the courier
12 driving?

13 A. They were driving a maroon Nissan Altima.

14 Q. And where did it park?

15 A. It drove initially past the house, turned
16 around at the end of the cul-de-sac, came back and
17 stopped at the end of the driveway.

18 Q. So if you were expecting a legitimate
19 ride-share service like Lyft or Uber, what would
20 you expect to see on the vehicle?

21 A. I would expect some kind of markings, the Uber
22 light that they sometimes have in the front window
23 or the Lyft light, something like that.

24 Q. Did you see any of that?

25 A. No.

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1 Q. And if you are expecting a legitimate package
2 service like UPS or FedEx, what would you expect to
3 see?

4 A. I would also expect to see markings for Amazon,
5 USPS, UPS, whatever service it was.

6 Q. Did the driver come to the door to retrieve the
7 box?

8 A. No, he did not.

9 Q. Did he get out of the car at all?

10 A. No, he did not.

11 Q. Did the driver provide Ms. Bryan with a receipt
12 for the money he was picking up?

13 A. Not in this instance.

14 Q. Did you see Ms. Bryan come out of the house?

15 A. Yes, I did.

16 Q. How far was it from the house to where the car
17 was parked?

18 A. Approximately 50 feet.

19 Q. And from a law enforcement perspective, are
20 there any safety concerns that you have at this
21 point?

22 A. Several. At that time we don't know who's in
23 the car, we don't know how many people are in the
24 vehicle, whether or not they're armed. We have
25 Ms. Bryan approaching the vehicle that we don't

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1 know what's in it or who's in it. It was a lot of
2 moving parts.

3 Q. So what did Ms. Bryan do when she reached the
4 vehicle?

5 A. She approached the vehicle, and she ended up
6 setting the shoebox which contained the money in
7 the rear passenger side window on the seat.

8 Q. As far as you could tell from where you were,
9 did the driver say anything to her?

10 A. Not that I saw.

11 Q. What happened after she put the box in the
12 car?

13 A. At that time the vehicle began to pull away
14 from the house.

15 Q. Why did law enforcement let the vehicle drive
16 away?

17 A. We wanted to create distance between the
18 vehicle and Ms. Bryan before we attempted to stop
19 it just for her safety.

20 Q. So he starts driving away. What happens
21 next?

22 A. At that time members of the Metropolitan
23 Enforcement Group of Southwestern Illinois,
24 commonly called MEGSI, they stopped the vehicle.

25 Q. Once he's stopped, where do you go?

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1 A. At that time I exited the residence and
2 approached the vehicle. By that time MEGSI had
3 already taken Mr. Patel into custody.

4 Q. And by "the vehicle," you mean the Nissan
5 Altima?

6 A. That is correct.

7 Q. Did you see the driver of the vehicle that
8 night?

9 A. Yes, I did.

10 Q. And you attempted to interview him later that
11 day?

12 A. Yes I did.

13 Q. Would you recognize him if you saw him again?

14 A. Yes, I would.

15 Q. Is he in the courtroom today?

16 A. Yes, he is.

17 Q. Could you please describe where he's seated and
18 what's he wearing.

19 A. It's the gentleman seated at this table back
20 here with his hand in the air wearing the blue
21 sport coat.

22 MR. REED: Judge, let the record reflect
23 that the witness has identified the defendant.

24 THE COURT: So noted.

25 BY MR. REED:

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1 Q. So back to the scene, did you take photos of
2 the vehicle and what you found?

3 A. Yes, I did.

4 MR. REED: Put up Exhibit 67 for the
5 witness, please. All right. If we can flip
6 through those.

7 BY MR. REED:

8 Q. Do these photos truly and accurately reflect
9 what you saw on April 20 of 2023?

10 A. Yes, they do.

11 MR. REED: Move to admit 67 and publish to
12 the jury.

13 MS. FRETER: No objection.

14 THE COURT: It's admitted.

15 (Government's Exhibit No. 67 was received
16 in evidence.)

17 MR. REED: We can start on page 9. Slow
18 down here.

19 BY MR. REED:

20 Q. Is this Nirav Patel's vehicle?

21 A. Yes, it is.

22 Q. What are we looking at here?

23 A. That is a photo taken through the rear
24 passenger's side window of the vehicle to the back
25 seat.

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1 Q. Why is this window down?

2 A. That is the window that Ms. Bryan placed the
3 shoebox full of money into.

4 Q. Page 10, is that the box there?

5 A. Yes, it is.

6 Q. Is this where you found it when you approached
7 the vehicle?

8 A. Yes, it is.

9 Q. Page 11, what does this photo capture?

10 A. That is a photo in the driver's side door of
11 Mr. Patel's Nissan Altima.

12 MR. REED: Jump up to page 3.

13 BY MR. REED:

14 Q. Are we in the same spot here?

15 A. Yes.

16 Q. Why are you taking this picture?

17 A. In the center console is a cell phone that has
18 a GPS map application open to the address 118
19 Hollyhock Lane.

20 Q. Did you seize this cell phone?

21 A. Yes, I did.

22 Q. And what was on the screen at the time of the
23 spot?

24 A. A GPS application showing the address 118
25 Hollyhock Lane.

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1 Q. I apologize. It's been a long day.

2 MR. REED: Page 2. Go up to page 2.

3 BY MR. REED:

4 Q. Why did you take this picture?

5 A. That is a photo of one of the cell phones from
6 Mr. Patel which shows the location of Hoffman
7 Estates.

8 Q. Okay. This is the weather that -- the preset
9 location for the weather on this phone?

10 A. Yes.

11 Q. Okay. Where is Hoffman Estates?

12 A. It's in the Chicago area.

13 Q. And is this a different cell phone at this
14 point -- a second cell phone?

15 A. Yes.

16 MR. REED: Page 17. All right. Could you
17 go up one page from here. Go back down. There we
18 go.

19 BY MR. REED:

20 Q. Is this another picture of the center
21 console?

22 A. Yes, it is.

23 Q. Why are you taking this picture?

24 A. There is a second cell phone located in the
25 center console of the vehicle.

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1 MR. REED: Okay. And then if we could go
2 back up one page, please.

3 BY MR. REED:

4 Q. What was Mr. Patel's license plate number on
5 this vehicle?

6 A. It's an Illinois license plate: D, as in
7 David; Q, as in queen; 99741.

8 Q. So what happened to the money in the box?

9 A. After it was photographed in the vehicle, we
10 secured it as evidence until it could later be
11 returned to Ms. Bryan.

12 Q. And has it since been returned to Ms. Bryan?

13 A. Yes, it has.

14 Q. What about Patel's cell phones located in that
15 vehicle?

16 A. Those were also seized as evidence.

17 Q. Where was the driver, Nirav Patel, taken after
18 he was arrested at the scene in front of
19 Ms. Bryan's house?

20 A. He was transported back to the Edwardsville
21 Police Department.

22 Q. What happened once he got there?

23 A. He was placed in one of our interview rooms,
24 and shortly after, Detective Mark Lask from our
25 agency and I attempted to interview him.

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1 Q. Okay. You said "attempted." What happened
2 during that interview?

3 A. When we were trying to explain to him his
4 *Miranda* rights, we encountered a language barrier
5 and we had difficulty knowing whether or not he
6 understood his rights, so we elected not to ask him
7 any questions about the investigation; however, he
8 made several spontaneous statements while we were
9 trying to get through *Miranda*.

10 Q. Okay. So you said you were trying to Mirandize
11 him, and just to be clear, you weren't asking him
12 substantive questions?

13 A. No.

14 Q. You were reading him his rights?

15 A. Yes.

16 Q. I think you said he made several spontaneous
17 responses?

18 A. Yes.

19 Q. Okay. What did he say that stood out to you?

20 A. He made mention of 5,000 or \$10,000. He said
21 that this was his first time and he made statements
22 saying that he had nothing to do with this.

23 Q. Once you weren't sure whether he understood his
24 *Miranda*, did you stop the interview?

25 A. We did.

1 MR. REED: Okay. Judge, at this time we
2 could move into the cell phone extractions or I can
3 start a new topic.

4 THE COURT: Well, it's 25 after, so now is
5 a good time to break.

6 MR. REED: Okay.

7 THE COURT: And we'll come back at 9:00
8 a.m.

9 MR. REED: Thank you, Judge.

10 THE COURT: All right. Ladies and
11 gentlemen, you're not supposed to talk about this
12 case with anybody, don't do any independent
13 research, you can't even talk amongst yourselves
14 about it; and if anybody approaches you and tries
15 to talk to you about this case, bring that to my
16 attention.

17 All right. Have a good evening and a safe
18 trip home. See you tomorrow.

19 (Jury out at 4:26 p.m.)

20 (Off the record.)

21 (Proceedings held on the record outside
22 the presence of the jury at 4:30 p.m.)

23 THE COURT: We're on the record outside
24 the presence of the jury. At this point it may be
25 the intention of the defendant to testify. It's my

1 belief that we -- it's not necessary to shackle his
2 feet, and it's the request of the defendant that he
3 not be shackled during his testimony; is that
4 correct?

5 MS. FRETER: Yes, Your Honor.

6 THE COURT: What is the Government's
7 position?

8 MR. WEINHOFET: The Government agrees. We
9 don't think it's wise to take any chance whatsoever
10 for a jury to see the defendant shackled. So with
11 respectful apology to the Marshals Service, who has
12 a different opinion, we do not wish for him to be
13 shackled.

14 THE COURT: So Mr. Patel, if you do
15 testify tomorrow, I will not -- when you come up to
16 the stand, you will not have anything on your feet.
17 There won't be any chains on you, okay?

18 THE DEFENDANT: I promise on my life.

19 THE COURT: I understand. I just want to
20 tell you if for some reason you were to panic or
21 you were to decide that you're going to --

22 THE DEFENDANT: No.

23 THE COURT: -- make a quick move, nowhere
24 to go. It would only be a demonstration in front
25 of the jury that couldn't possibly help your case.

1 All right? So I anticipate you're going to be
2 cooperative, and there's not going to be a problem,
3 right?

4 All right. Anybody -- does the Government
5 want to put anything else on the record?

6 MR. REED: Not on the record, Judge.

7 THE COURT: Defense, want to put anything
8 else on the record?

9 MS. FRETER: No, Your Honor. Thank you.

10 THE COURT: All right. See you tomorrow.

11 (Proceedings recessed at 4:33 p.m. until
12 9:00 a.m. February 6, 2025.)
13

14 * * * * *

15 CERTIFICATE OF COURT REPORTER
16

17 I, Erin M. Materkowski, hereby certify that
18 the foregoing is a true and correct transcript from
19 reported proceedings in the above-entitled matter.
20

21 /s/ Erin M. Materkowski
22 ERIN M. MATERKOWSKI, RPR, CRR
23 Official Court Reporter
Southern District of Illinois
East St. Louis Division
24
25

Date: 06/30/2025